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OFFICIAL TRANSCRIPT OF EXAMINATION OF AFFIDAVITS ON BEHALF OF ACCUSED ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO ORDER OF THE TRIBUNAL DATED 5 JULY 1946.

8 July 1946

COMMISSIONER:

Colonel A.M.S. Neave.

(THE COMMISSION CONVENED AT 1010 HOURS.)

(A discussion was held from 1010 to 1030 between the Commissioner, the Prosecution, and members of the Defense Counsel, as to procedure to be followed.)

BY THE COMMISSIONER:

Q Dr. Loeffler, how many affidavits do you have?

A 67.

Q We had a discussion just now, from which, unfortunately, you were absent. I suggested that it would be much more convenient for the Commission and for everybody else if these affidavits were summarized according to the points on which you wish to make your defense of the SA.

A That has been done.

Q Not according to groups, you know that?

A No, just according to the themes, the special points of the Prosecution.

Q Are you intending to summarize your affidavits individually or in groups?

A I have already summarized these affidavits.

Q Yes, but have you summarized them individually or have you summarized them in groups?

A I did it individually with every affidavit I just pointed out the most important part of the affidavit.

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Q So that in practice you are going to read out the summaries of 67 affidavits, is that right?

A The way they are summarized is as follows: Affidavits No. 1 to No. 36 concern themselves with the individual points of the prosecution, that is, one affidavit for every point; and Affidavits No. 37 to 67 certify that the conditions in all parts of Germany were the same as they are given in No. 1 to No. 36.

Q So that each of the first 36 affidavits is on an individual point as made by the Prosecution which you are refuting?

A For instance on the one big point of the participation in the actions of November 1938 I have only one affidavit, No. 33. However in later affidavits it is stated that there was no participation anywhere in the original parts of Germany.

Q Have you any affidavits you wish to offer which you want to have translated?

A About 10. From the others an excerpt is sufficient. Up to now it is only in German but it is very easy to understand.

(Dr. Loeffler hands typewritten summaries to the Commissioner and to the Prosecution.)

From the letters you can see that up to now it was impossible for me to visit the Russian Zone according to my request of 19 April 1946.

Q Yes, but this isn't part of the affidavits, is it?

A These letters are numbered and mentioned at the end because up to now I was unable to procure any documents from the Russian Zone.

Q And you wish these submitted to the Tribunal. You want them to take notice of these letters?

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A Yes, they are mentioned in my final summary.

Q I see. Well, let us proceed now with the affidavits.

BY DR. LOEFFLER:

Affidavit No. 1 I want to present to the Court in its entirety.

COLONEL NEAVE: Wait a minute until I read it.... Surely it is not necessary to read this in its entirety. There will be plenty of affidavits.

DR. LOEFFLER. I agree, if it is presented and registered.

COLONEL NEAVE: In the first place there is a perfectly good summary of it which you have just presented to me, so if you will just read out the summary of the Affidavit No. 1.

BY DR. LOEFFLER:

Affidavit No. 1. Creation, Organization and Buildup of the NS Rider Corps. Paragraph 6 a 1 of the Decree of the 13th of March 1946.
This is a summary of the affidavit of Dr. Haubrich of Köln, a well known anti-Fascist and at the present time City Councilman of Köln. The date of the affidavit is 7 May 1946. It was given before Dr. Cremer.

The Rider Corps was only formed after the rise to power and hardly through equalization of riding organizations which in Western Germany were usually formed by Catholics. The Rider Corps was a part of the Regular-SA. It was regarded by the Party with mistrust. It is in no way to be compared with the SA.

COLONEL NEAVE: We will accept that. What is the next affidavit?

BY DR. LOEFFLER:

Affidavit No. 2, Creation, Organization and Buildup of the NS Rider Corps. Paragraph 6 a 1 of the Decree of 13 March 1946.

Herbert Vogel, Nürnberg.

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"The individual SA-Reitersturme did not have anything to do with the local SA but were put together in a so-called Reiterstandarte and many Reiterstandarten in a Reitergruppe. All Reitergruppen formed together the National Socialistic Rider Corps under Litzmann. All official orders came from there. The connection with the Regular SA was only due to the fact that the Chief of the Rider Organization, Litzmann, was under the Chief of Staff of the SA. Litzmann had no influence with Hitler and therefore was not independent."

May I point out that there was something that was not translated and that is that because Litzmann had no influence with Hitler, because of that there was no "complete" independence.

COLONEL NEAVE: Do you want to add then to the summary you have introduced here?

DR. LOEFFLER: It would be correct if the word "Selbstandigkeit" would be changed so that "no complete independence" would be included.

COLONEL NEAVE: Very well, proceed.

-o-o-o-o-o-o-o-o-o-o-o-

BY DR. LOEFFLER:

Affidavit No. 3. Creation, Organization and Buildup of the NS Rider Corps. Paragraph 6 a 1 of the Decree of 13 March 1946.

Valerian Renz, Augsburg. A political prisoner who was freed by American Forces on 15 May 1945.

"The NS Rider Corps was regarded by the Regular SA as an organization that was not completely dependable in the National Socialistic idea and therefore was regarded as a special unit."

I want to point out that all the important sentences are underlined in red in the affidavits.

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COLONEL NEAVE: Was the witness who swore this affidavit in prison on account of his opposition to National Socialism?

DR. LOEFFLER: Yes, he says that in the beginning of his affidavit. He was a member of the Rider Corps.

COLONEL NEAVE: Yes, but how does that prove anything on behalf of the Rider Corps as a whole?

DR. LOEFFLER: That was typical of the opposition of the Rider Corps to the SA or the National Socialistic Organization and there will be more examples of that.

COLONEL NEAVE: What you are trying to prove is that there were quite a number of people in the Rider Corps who were opposed to National Socialism, is that it?

DR.LOEFFLER: Yes, a number of affidavits will prove that later on.

COLONEL NEAVE: All right. Proceed with No. 4 then.

BY DR. LOEFFLER:

Affidavit No. 4, Creation, Organization and Buildup of the NS Rider Corps.

Paragraph 6 a 1 of the Decree of 13 March 1946.

Ernst Böhmer, Kettwig/Ruhr (Westfalen).

"The NS Rider Corps was only a member of the SA as far as administration was concerned. The duty was separated sharply from the SA. The NS Rider Corps was no political instrument of the SA Leadership but a purely sport organization much more than the NSKK or the National Socialistic Motor Squad and the NS Flyer Corps which were not indicted."

COLONEL NEAVE: Wait one moment while I read the affidavit... Very well, go on.

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XXXXX
BY DR. LOEFFLER:

Affidavit No. 5, Creation, Organization and Buildup of the NS Rider Corps. Ernst Schellberg, Velbert/Rhineland, (farmer)

"Transfer of the rural Rider Organizations into the NS Rider Corps was carried out under pressure."

COLONEL NEAVE: Dr. Loeffler, will you always say before you start the summaries, as I have already requested, what the title of the affidavit is in relation to the order of March 13. That is to say, under which heading of relevancy it is supposed to come?

DR. LOEFFLER: No. 5 comes under paragraph 6 a figure 1 of the Decree of 13 March 1946, concerning the voluntary membership.

COLONEL NEAVE: That is figure 2, isn't it?

DR. LOEFFLER: Yes, figure 2, I want to apologize.

COLONEL NEAVE: What you intend to show here is that the Rider Stürme was incorporated under pressure, is that right? And that in the spring of 1933 this particular unit received an ultimatum, is that it?

DR. LOEFFLER: Yes.

COLONEL NEAVE: My understanding of this affidavit is correct then, is it?

DR. LOEFFLER: Yes.

COLONEL NEAVE: Go on.

DR. LOEFFLER: I would like to make a request here concerning the formal validness of this affidavit. This affidavit was only given to the notariat on the 14th of May. I therefore wrote back to the Notary Public to have the affidavit sworn to before an officer of the Military Government. I was told by the notary public that due to the fact that the farmers are now in the middle of their harvest that could not be done since they

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would lose one to two days by that. Therefore I would like to have a decision by the Court whether a certification by a notary public is enough or whether it has to be certified by an officer.

COLONEL NEAVE: May I just refer this question to the Prosecution? You will remember that on 9 May an Order was made by the Tribunal that all affidavits should be sworn before an Allied Officer. It has been more or less left to the discretion of the commissioners to make exceptions to that rule in cases where it has been extremely difficult to find an Allied Officer. Unless the Prosecution have any objection I think we can consider this particular affidavit properly sworn.

MR. MORECCO: The Prosecution would offer no objection to this particular affidavit. Evidence sworn before a Notary Public has been accepted before in these proceedings.

COLONEL NEAVE: Yes. In this case the Defense Counsel is referring to the Tribunal's order of the 9th of May which particularly applies to affidavits for Organizations.

BY DR. LOEFFLER:

I now come to the next theme, The Goals and Duties of the NS Rider Corps, 6 a figure 1 of the Decree of 13 March 1946.

Affidavit SA Rider Corps #6, Paul Laun, Stuttgart.

"The NS Rider Corps concentrated itself with Rider sport duties which until 1933 were carried out by the riding sport units or riding sport organization. The goal was riding, service on horse, and not politics."

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COLONEL NEAVE: What is the difference between this affidavit and No. 4?

DR. LOEFFLER: No. 4 points out especially the administrative separation and also the separation of duty between the Rider Corps and the SA which is not done in Affidavit No. 6.

COLONEL NEAVE: Have the Prosecution any comments on this.

MR. MORECCO: No comments.

COLONEL NEAVE: I think we want to be careful that they do not repeat themselves.

MR. MORECCO: As I understand it, these affidavits are bound to be cumulative.

DR. LOEFFLER: I attempted, in my selection of the affidavits, to prevent any cumulation. I selected these from hundreds.

COLONEL NEAVE: I think the position in regard to the question of cumulative evidence is this: We do want to give the defense as much opportunity as possible to cover a wide and representative field of evidence but at the same time we must avoid actual repetition.

DR. LOEFFLER: We will regard that.

BY DR. LOEFFLER:

SA Rider Corps Affidavit No. 7. The Goals and Duties of the NS Rider Corps.

6 a 1 of the Decree of 13 March 1946.

Fritz Summermann, Horse Breeder, Westfalen.

I would like to present this affidavit in its entirety to the Tribunal due to its importance.

COLONEL NEAVE: Will you first of all read the summary and then the Commission will decide whether it should be put in in its entirety.

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BY DR. LOEFFLER:

"Sümmermann was for 12 years Provincial Director of about 180 rural Ride, Drive and Breeding organizations in Westfalen. The goal of these organizations was the bettering of horse breeding and also the aiding of the industrial importance of the horse material that was available. The organizations were a rural or farm necessity. Also after their equalization there was no change of character and duty in these riding organizations which called themselves now the NS Rider Corps."

I want to declare that there is no cumulation between No. 6 and No. 7.

COLONEL NEAVE: That was just what I was going to ask you.

DR. LOEFFLER: No. 6 concerns itself with the city riding organizations where the riding is a sport, that is, purely sport organizations. No. 7 [redacted] does not concern itself with sport but with the breeding of horses in the rural areas where the horse is not there purely for sport but actually the means of existence for the farmer.

COLONEL NEAVE: I don't see why the fact that the breeding of horses is considered more important in the case of this affidavit than in the case of No. 6 is sufficient reason for having it entirely translated. I do not understand its importance. What you are trying to say is that the activities of the SA Rider Corps were harmless because they were engaged either in sport or in breeding or training of horses. I should think this summary says quite enough.

DR. LOEFFLER: If the Court considers it necessary I will not insist on No. 6 since the difference between No. 6 and No. 7 has been described now in the record.

COLONEL NEAVE: I don't think it is necessary to withdraw No. 6. The objection I am making is to the full translation of No. 7.

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DR. LOEFFLER: Mr. Stümmermann is known the world over. He is one of the world's greatest horse breeders.

COLONEL NEAVE: What has that go to do with it. The point is whether the point you are making is important.

DR. LOEFFLER: I want to say that Mr. Stümmermann was in charge of 180 riding organizations and that he, as a competent man, can give or tell of the importance of these riding organizations. The Prosecution, in one of the examinations of witnesses, stated that the farmers or people in the agricultural areas did not have to remain in the organizations since they could have carried out riding sports without these organizations. However, we want to prove that they did not join this organization for riding sports but rather because of necessity.

COLONEL NEAVE: Let us not talk about it here any longer. The Commission will accept the summary of this affidavit and will consider whether it should be fully translated or not.

DR. LOEFFLER: I considered this document as being one of the 10 to be introduced to the Tribunal. ~~It~~ I believe it should be possible to introduce 10 such affidavits to the Tribunal.

COLONEL NEAVE: The Commission will consider it.

BY DR. LOEFFLER:

We now come to the next group, The Activity of the NS Rider Corps, Paragraph 6 a, 1, the Decree of the 13 of March 1946, and this concerns itself with the duties within the Riding Organizations. I have only one affidavit on that point:

SA Rider Corps Affidavit No. 8. Robert Canz, Stuttgart.

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"The duty in the NS Rider Corps concerned itself with sports and breeding questions. Duty in the country was only on Sunday; no duty during the times of sowing or during harvest. The Duty itself consisted of instructions on the taking care of horses, horse breeding, as well as instructions in riding and driving."

MR. MARECCO: If No. 7 is cumulative, surely this is.

COLONEL NEAVE: I was in some doubt as to whether No. 7 was cumulative to No. 4 but this No. 8 seems certainly to say the same as No. 7. The ruling the Commission will make on that point is as follows: If you will withdraw No. 8 as cumulative you could have No. 7 translated because No. 7 seems to cover all the ~~xxx~~ points which you want.

DR. LOEFFLER: I don't think that it is cumulative. No. 8 is the only document that actually tells what was done within these riding organizations, whether they taught shooting there or whether they taught world ideology, and so on. That is the only document.

COLONEL NEAVE: Dr. Loeffler you had better take this back and re-write the summary if that is what you want to say because you don't say that in your present summary. I can see that this affidavit might be important but a new summary should be written and introduced later. Will you take it back?

DR. LOEFFLER: I will do that.

COLONEL NEAVE: I can see that that might be an important affidavit. The difficulty is that your summary of No. 8 says exactly the same as No. 7.

DR. LOEFFLER: I will change that.

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BY DR. IOEFFLER:

I now come to the next paragraph, Paragraph D, The Repudiation of the supposedly criminal character of the NS Rider Corps. First come affidavits to the question "No Crimes Against the Peace."

SA Rider Corps Affidavit No. 9 - Franz Bissinger, Wuppertal.

"Franz Bissinger was one of the co-directors of 74 international and national tournaments between 1929 and 1939. He is one of the best informed men of the German Riding Sports. The NS Rider Corps did not participate in preparation of an aggressive war. The Rider Corps on the other hand was in peaceful sports cooperation with all horse loving nations.

COLONEL NEAVE: Dr. Loeffler, the first part of the summary, to the effect that Mr. Bissinger took part in several international tournaments, that isn't relevant at all.

DR. IOEFFLER: It only is supposed to show that the witness is able to give a general opinion.

COLONEL NEAVE: I don't see what the rest of the summary has got to do with Crimes against Peace either except that you do say that the NS Rider Corps was not preparing for an aggressive war. I should think that it would be much better to summarize the affidavit with regard to that point than with regard to the tournaments and sporting associations with other horse loving nations. For instance what relevancy is there in the fact that Captain Fanshaw and Captain Scott were appearing for Great Britain in the Olympic Games? Haven't you got something better on this question than merely a description of the Olympic Games?

DR. LOEFFLER: I want to point out that the Rider Organization consisted of two groups: First, of the Reichs Sport Organization and secondly, which composed 80 percent of the organization, of farmers. I want to

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show, through five affidavits, that both the Reichs Sport Groups and the farmers were against any kind of a war.

COLONEL NEAVE: All right. We will take this affidavit but I think you should be very much more careful about your summarizing.

DR. LOEFFLER: I want to say that this is one of the affidavits I would like to present to the Tribunal in its entirety since this point, Crimes Against Peace, is the main point of the Prosecution.

COLONEL NEAVE: You mean No. 9. Well, take it back and summarize it to show that the Rider Corps were not preparing for an aggressive war and leave out the details about the tournaments.

DR. LOEFFLER: I was misunderstood. I would like to present this document in its entirety.

COLONEL NEAVE: Well that is at the discretion of the Commissioners and until they see a further summary no decision will be made as to whether it should be entirely translated. I think the affidavit is important but your summary does not bring up the main point.

DR. LOEFFLER: I admit that. I will change it.

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BY DR. LOEFFLER:

SA Rider Corps Affidavit No. 10 - D) The Repudiation of the supposedly criminal character of the NS Rider Corps. (I.) No Crimes Against the Peace.

Hugo Luithardt, Farmer, from Bittenfeld/Wurttemberg.

"Neither I or my comrades could ever imagine that our sports activity could mean endangering of the peace. Wars today were not fought with horses but with armored vehicles. Besides that our government declared time and time again its will for peace. We all believed that our government was speaking the truth.

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As a simple farmer I could not have had any other opinions."
That concems Paragraph 6 a 3 c - whether or not a person could have an idea of the criminal purposes.

COLONEL NEAVE: All right.

MR. MORECCO: Sir, perhaps it is worth putting on record that it is quite untrue to say horses were not extensively used in this war and whether or not a simple farmer knew the intentions of the Rider Corps is irrelevant.

DR. LOEFFLER: I want to say in this case that concerning the importance of the horse, there is an entire Affidavit, No. 13, which we will arrive at shortly. As far as the importance of the horse was concerned I want to state that for instance I know that not a single horse was brought over by America for the invasion.

COLONEL NEAVE: It is quite irrelevant to the ~~mind~~ proceedings of this Commission ~~whether we~~ for us to discuss whether horses were used during the war or not. On the other hand this particular affidavit does seem to be rather a personal statement and not speaking on behalf of the organizations. I therefore consider that the objection of the Prosecution in that respect is upheld and I direct that the summary and the rest of this discussion be stricken from the record.

DR. LOEFFLER: I would like to say something in that connection.

COLONEL NEAVE: I have made my ruling. It is perfectly clear that it is only a personal declaration.

DR. LOEFFLER: I would like to discuss a basic matter in this connection.

COLONEL NEAVE: Well there is only one answer and that is that the personal views of somebody with regard to the organization or with regard to matters like whether Germany was going to carry out an agressive war are

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not relevant.

DR. LOEFFLER: According to 6a 3 c, I am bound to show that the individual members of the organization could not have known of the aggressive intentions and the only way I can do that is by giving the affidavit of a certain individual who speaks for himself and his comrades and this is what I did in No. 10. I could not find another way of doing this. In Affidavits 37 to 67 it is pointed out time and time again that that same opinion was prevalent in all of Germany.

COLONEL NEAVE: In that case this affidavit will not be necessary if there are others to come which prove the same thing. I have made my ruling and I am not discussing it further. Will you go on with the next affidavit, Dr. Loeffler?

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BY DR. LOEFFLER:

SA Rider Corps Affidavit No. 11. D) The Repudiation of the supposedly criminal character of the NS Rider Corps. (1.) No Crimes Against the Peace.

Emil Dieterle, Stuttgart-Vaihingen.

"99 percent of the NS Rider Corps when called into the army were not put into horse organizations of the Army."

The main point of the prosecution is that it was the duty of the NS Rider Organization to train the replacements for the German Cavalry. That is being disproved with this affidavit.

COLONEL NEAVE: Yes. All right.

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SA Rider Corps Affidavit No. 12. D) The repudiation of the supposedly criminal character of the NS Rider Corps. (I.) No Crimes Against the Peace.

Egon von Waldenfels, Aalen, Colonel, Retired.

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"The old tournament rider was sentenced to death by the Army in 1944 because of political opposition and therefore it is not in his interest to defend an NS organization but this is what he states. The NS Rider Corps did not develop replacements for the Army."

There is a difference between No. 11 and No. 12. No. 11 takes it from the point of view of the NS Rider Corps while No. 12 is the view of the army.

MR. MORECCO: No. 12 seems to take it from a personal point of view, sir, which is immaterial.

COLONEL NEAVE: No. 12 is all right. I have read that. It is not personal in the same sense as the one we have just stricken out. This man was in a position to state whether the Rider Corps supplied replacements to the army. Because he appears to be a retired cavalry colonel, and he was concerned with the question so I will accept that affidavit. It is quite different from expressing an opinion on the question of whether Germany had aggressive intentions or not which was why we struck out the other one.

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BY DR. LOEFFLER:

SA Rider Corps Affidavit No. 13. D) The repudiation of the supposedly criminal character of the NS Rider Corps. (I.) No Crimes Against the Peace. This is the most important affidavit of them all. It is the affidavit of Colonel General Guderian, Heinz Wilhelm. General Guderian was, in the important time before the war, highest chief of the High German Cavalry.

"There was no military connection between the German Army and the NS Rider Corps either in a tactical or in a strategical sense because on the order of Hitler since 1935 the cavalry in the German Army was almost completely excluded through motorized units the army could not regard ~~xxxxxxxxxxxx~~ or take into consideration the so-called riding certificates."

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COLONEL NEAVE: The Commission will direct that this affidavit be translated and sent to the Tribunal in its entirety.

(A recess was taken.)

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DR. LOEFFLER: I now come to my next point on page 6 of my list of documents, that there is no propoganda of national socialist idealogy before and after 1933. I want to disprove the statements that these organizations contained only criminal characters as was described by the Prosecution in February, 1946.

SA Rider Corps No. 14, Albert Burger, Ludwigsburg, that the NS Rider Corps was created after 1933. No ideal-ogical and political schooling was given. This was for Southern Germany.

COLONEL NEAVE: How many affidavits are there on the same subject?

DR. LOEFFLER: A total of five.

COLONEL NEAVE: Do they all say the same thing?

DR. LOEFFLER: Some of them might be cumulative. However, we have to consider that they are in general of Southwestern Germany.

COLONEL NEAVE: If they are from different parts of Germany we will hear them.

DR. ~~KKKKKKKK~~ LOEFFLER: If Necessary I will recall No. 14. I have No. 15 which is for Southern Germany and says about the same thing.

COLONEL NEAVE: I have no objection to No. 14

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DR. LOEFFLER: SA Rider Corps No. 15, Ewald Isenbugel, Essen, ~~MX~~ Konsul for El Salvador, of America. There was no national socialistic propoganda in the NS Rider Corps. On the other hand, there was open ~~xirx~~ criticism of the NSDAP and its leaders. (Western Germany)

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The next point is that the NS Rider Corps did not participate in the rise to power of the National Socialists. SA Rider Corps No. 16, Christian Schurr, Pfullingen. No member of the NS Rider Corps belonged to the SA before 1933.

COLONEL NEAVE: For how many people was he speaking and for what size of unit?

DR. LOEFFLER: He speaks for Wurtemburg, and in affidavits No. 37 to ~~62~~ 67 I prove that the conditions were the same as in these affidavits all over Germany.

COLONEL NEAVE: ~~XXXXXXXXXXXX~~ You are going to say then there was never any member of the Rider Corps who was a member of the SA prior to 1933, or does that apply only to Wurtemburg?

DR. LOEFLLER: No, I want to say that with insignificant exceptions that no member of the NS Rider Corps organization belonged either to the SA or the Party, that is before 1933.

COLONEL NEAVE: All right, go ahead.

DR. LOEFFLER: The next point is ~~xxx~~ no further pressure of the Nationalist Socialistic control after 1933 on the NS Rider Corps.

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COLONEL NEAVE: Before you go on, with regard to the subject of No. 16, did you say there are other affidavits coming on this subject?

DR. LOEFFLER: Yes, I can, of course, present them, but I did not bring them along.

COLONEL NEAVE: How many affidavits do you mean to present all together?

DR. LOEFFLER: I had expected for today a total of 67 all together.

COLONEL NEAVE: How many have you brought here today?

DR. LOEFFLER: All sixty-seven.

COLONEL NEAVE: How many do you intend to introduce during the whole hearing?

DR. LOEFFLER: Ninety-four.

COLONEL NEAVE: Before the Commission?

DR. LOEFFLER: I only want to present all of these 67.

COLONEL NEAVE: You say you have brought them all here today?

DR. LOEFFLER: It is a misunderstanding. I was asked to bring along all of those that were important for the Commission.

COLONEL NEAVE: Well let's go on. There are 67 here?

DR. LOEFFLER: Yes.

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COLONEL NEAVE: All I want to know, Dr. Loeffler, is: Are kx you going to introduce any more affidavits in addition to this 67?

DR. LOEFFLER: If the lawyers are introducing a second group then I would like to do the same thing under the second category. I understand that these affidavits that are not quite as important, those are condensed and put together in one summary. If the other lawyers are doing that I would like to do the same thing. However, up until now we have made a differente of two different categories, category No. 1, affidavits which are important, and of which I am giving a summary now, and category No. 2, which are not quite as important.

COLONEL NEAVE: That is quite enough on the subject and I am willing to discuss the affidavits you wish to present to the Commission and not collective affidavits.

DR. LOEFFLER: I only want to present these 67.

COLONEL NEAVE: Let's go on and hear them.

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DR. LOEFFLER: Lambert Weitz, Essen, S A Rider Corps No. 17, a well known anti Facist. Political point: Jews did not play any role in the NS Rider Corps and there was no participation and political demonstrations and the members were well known enemies of the Nazi system.

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COLONEL NEAVE: Nos. 14, 15 and 16, and several others are exactly the same, whereas that is not exactly what you are trying to show.

DR. LOEFFLER: I want to prove by 14, 15 and 16 that the NS Rider Corps did not participate in the securing of the power before 1933, and that even after 1933, ~~ix~~ as I proved in documents 17 and 18 they did not.

COLONEN NEAVE: Why do you say this is a summary? ~~and~~ All you can say is that political activities did not play a role, which is much too ~~bad~~ vague. If you want to show what you want to prove, you should summarize the affidavits.

DR. LOEFFLER: The objection of the Commission is quite correct. However, I was strongly interested in points of the indictment of the Prosecution, and I answered each charge of the Prosecution with a specific document.

COLONEL NEAVE: I quite understand that, but it is no answer to say that in several affidavits that the SA Rider Corps had no political activity in this case. You are trying to show that they were not directly under the control of the National Socialist Party after 1933, weren't you?

DR. LOEFFLER: Yes.

COLONEL NEAVE: Couldn't that be more specifically stated in the summary, because otherwise how is the Tribunal

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going to understand what you mean when you say the Rider Corps had no political activity.

DR. LOEFFLER: I will be glad to to. I can combine Nos. 17 and 18.

COLONEL NEAVE: Will you take these and re-summarize them (handing affidavits to defense attorney). Those can be presented later, you see, but it is no use attempting to summarize affidavits which take the same view. The specific point you wish to ~~review~~ raise must be stated in the summary, and I think that there is ~~one~~ another point that the Prosecution are going to comment on ~~in~~ these summaries, and they must be given the specific points which you are trying to prove.

DR. LOEFFLER: The Prosecution presented a very detailed document ~~xxx~~ which dealt with these points and I am now giving one affidavit in repudiation for each one of the Prosecution points.

COLONEL NEAVE: I quite understand that and that is exactly what you are going to be allowed to do, but in order to make this transcript as intelligible as we can, and since the members of the Prosecution can't read the affidavits, it is essential to state the specific points in the summary. That does not mean that you need make the summary any longer. No. 20, I think is next.

DR. LOEFFLER: No. 19.

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COLONEL NEAVE: I don't think we have a copy of No. 19.

DR. LOEFFLER: No. 19 has not arrived yet. I had it already in my hands but it was not sworn to by an officer. This document is especially important since the person that put out this document, WALDEMAR Von Oppenheim, a world famous judiciary, and also the owner of the very famous Schlenderhan estate, and for that reason the document is very important and I would like to ask that I be allowed to submit it later. He was persecuted by the Gestapo since he was a Jew, but he states that the NS Rider Corps was never active anti-semitically. I had the document already in my hand and I wish to ask the Commission to reserve this one since I think it is within my right to present this document later on. I had the document. However, it was not certified by an official and I sent it back since there are British officers living on his estate and it should be rather easy to have it certified and sent back to me.

COLONEL NEAVE: All right. Why has it not been certified before this time?

DR. LOEFFLER: I just received this a few days ago and I would like to have a decision by the Commission. If I were to send it back I also could not have it with me today.

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COLONEL NEAVE: Just let me tell the Prosecution what it consists of: This affidavit was sworn on the 1st of June, and I should like to say that there are quite a number of authorities in the British zone who had not by the 1st of June received a copy of the Tribunal's order but it seems to be properly sworn before a German notary.

DR. LOEFFLER: It was sworn to before the lower representative of the Arch Bishop of Cologne, Dr. Arno.

MR. MARECCO: If the Commissioner considers it ~~xxxxxxxxxxx~~ satisfactorily sworn, we will make no objection.

COLONEL NEAVE: We have made an exception to the rule that it should be sworn before an Allied officer, provided it can be shown that either the order of the Tribunal had not been communicated to the authority concerned or that an Allied officer could not be found. Will you go on.

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DR. LOEFFLER: ARTUR FULDAUER. I have to give the heading now which I submitted previously. It is no crimes against humanity. Paragraph (A) - No anti-semitic leanings, and at the top of the page the SA Rider Corps No. 20, Artur Fuldauer, Wiehl/Rheinland, Hollander, Jewish co-founder of the SA Rider Corps in Wiehl. Was a guard in the SA Rider Corps, also Jude vell geachtet, and was against the National Socialist ~~Xxxxx~~ Party.

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DR. LOEFFLER: S A Rider Corps No. 21, Emil

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E. MASCHMANN, Mainz (Kurpfalz) - No participation of the NS Rider Corps on the happenings of the night of the 10th of November, 1938. That is a separate affidavit since the SA Rider Corps has been accused that they participated in this area in the coup d'etat in these occurrences on the 9th of November.

COLONEL NEAVE: Will you tell us briefly what the affidavit states?

DR. LOEFFLER: The N S Rider Corps did not participate in the demonstrations of the 9th of 10th of November in the coup d'etat.

COLONEL NEAVE: I can r ead that from your summary, but I want to know more clearly what this affidavit s ays, and I would please say briefly.

DR. LOEFFLER: The SA is accused of participating in the action in the coup d'etat by the Prosecution on the 9th and 10th of November, 1938, and since the NS Rider Corps is an organization which is accused in connecti on with the SA, I have to prove specifically that the NS Rider Corps did not participa te in these demonstrations.

COLONEL NEAVE: Then you are referring to paragraph No. 3 of the affidavit? What is the rest of the affidavit? The question of the e vents of the 9th of November is in paragraph ~~3~~ 3. What I want to know is ~~that if~~ whether that is the only point you are making, regarding the events of November, 1938? What does the r est of the affidavit say?

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DR. LOEFFLER: The document concerns itself with all phases of the indictment. However, the only thing that is relevant on this point is the Point No. 3.

COLONEL NEAVE: That is exactly what I want to get on the record.

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DR. LOEFFLER: SA Rider Corps No. 22 - The next two affidavits concern themselves with the position of the NS Rider Corps to the Church. Document No. 22 is Max Schmid, Laupheim, Oberschwaben, and it states that some of the SS Rider Corps there attended church services in the Catholic Church and that the Catholic Priest from Ochsenhausen asked to enter the SA.

COLONEL NEAVE: DR. Loeffler, are you reading the last paragraph of the first page, beginning "the SA Rider Corps?" Will you read the first two sentences.

DR. LOEFFLER: (Sentences are read in German)

COLONEL NEAVE: Now the next sentence.

DR. LOEFFLER: The SA Rider Corps here entered into the SA in the entire Oberschwaben area only after the rise to power. And up to now the unpolitical rural Rider Corps organization has not concerned themselves only with sports questions and not political questions.

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COLONEL NEAVE: And then the next sentence too.

DR. LOEFFLER: (Sentence is read in German)

COLONEL NEAVE: I think you have already said that. I think we can strike that out. But that is the only point in this affidavit, is it?

DR. LOEFFLER: Yes.

COLONEL NEAVE: That they held a special religious ceremony?

DR. LOEFFLER: No, he also stated that there were religious Catholics that joined these Rider Corps organizations and that they were not against the Church.

COLONEL NEAVE: The rest of the summary is far more important than that a Catholic Parson Shipps from Ochsenhausen asked to join the SA. It is now in the record so we need not trouble further.

DR. LOEFFLER: I wish permissionto read one other sentence in this connection from the affidavit. "The attitude of the members of the SA Rider Corps in this thoroughly Catholic Oberschwaben was one expressly for the Church."

COLONEL NEAVE: Where is this in the affidavit?

INTERPRETER: At the bottom of the second page.

COLONEL NEAVE: We have that on the record and I think it is sufficient.

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DR. LOEFFLER: No. 23 - SA Rider Corps No. 23, Richard Herzog, Velbert, and he states that the NS Rider Corp in Velbert participated as a unit in the Church even though there was opposition from the NSDAP, and I would like to receive permission to read the last sentence of that into the record since it gives the general attitude and a more specific case.

COLONEL NEAVE: Is that the last sentence on the first page?

DR. LOEFFLER: No, in the next paragraph after the red line.

COLONEL NEAVE: That is the one I mean.

DR. LOEFFLER: (Reads as follows) "The local Velbert NS Rider Corps, of which Mr. Frecerich Wilhelm Voss was a member, consisted of the largest part of members of the rural riding organizations which were very loyal to the church and did concern themselves with the old traditions of our community. This Rider Corps was not regarded in political circles as a political organization, but rather as an organization which acted in the interest of the farmer."

The next point is the non-participation of the NS Rider Corps in action against the union, foreign workers and prisoners.

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DR. LOEFFLER: Affidavit, SA Rider Corps No. 24, Rudolf Erpf - Coburg. Erpf was the Meister vum Stuhl der Loge, Johannis zum wiedererbauten Tempel. "The NS Rider Corps never participated in political actions against people of other ideals. Even the members of the Allgemeine SA did not, so far as members of the NS Rider Corps, participate in any way with the concentration camps or with the occupants of union houses or the guarding of prisoners of war."

COLONEL NEAVE: What is the point of the last sentence regarding Hitler?

DR. LOEFFLER: The witness, or the person that gave this affidavit can say that his son-in-law talked with Hitler concerning the importance of the cavalry in this war. It was prohibited among officers who were allowed to visit Hitler to mention the cavalry or horses, since Hitler usually got a fit of anger after that.

COLONEL NEAVE: I don't see the connection between that and the ~~Reichstag~~ Reiter Corps since this young man appears to be in a cavalry unit of the army.

DR. LOEFFLER: I want to say that we can prove by this document concerning the importance of the course of the war. I want to prove that Hitler was very much against the use of horses during the war, and much more

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interested in an armored and motorized army.

COLONEL NEAVE: I don't think that is a point which we need to discuss.

DR. LOEFFLER: I did not mention it especially in the summary.

COLONEL NEAVE: You are not relying upon it as a point of importance in this affidavit?

DR. LOEFFLER: No, that already was mentioned.

MR. MARECOO: I don't want to delay the proceedings but I think the question of whether the cavalry was or was not a question in the was was a point and I don't want to eliminate it entirely from the record. The point here is quite beside the point as to whether it was a motorized organization.

COLONEL NEAVE: Mr. Marecco, I think it is immaterial at this hearing whether or not cavalry as opposed to armor was used to a great extent during the previous war. But whether the SA Rider Corps supplied horses to the army or trained people for the purpose of cavalry activity in the army is, of course, the whole point of this discussion. I don't think it is important to go into a discussion as to the tactical or strategic points of the use of cavalry during the war, but it is exceedingly important to decide whether the NS Rider Corps played any part in ~~the~~ cavalry activities in the nature of training or assisting the army.

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MR. MARECOO: I was using the word "cavalry" in a technical sense, but the Prosecution will not be able to allow this number of affidavits, stating that horses were not used in the war at all.

COLONEL NEAVE: You misunderstood the point. Is there any one affidavit which actually says that horses were not used during the war? The other says that horses were not supplied to the army, and that the cavalry training that the Rider Corps had was non military. As far as I can make out the subject, I can't see that these affidavits are trying to prove that cavalry was not used during the war, as there was no doubt about it. Is that your point?

MR. MARECCO: Yes.

COLONEL NEAVE: It is not your position you are going to try to prove that cavalry was not used during the war?

DR. LOEFFLER: No, it seems that I was misunderstood by the Prosecutor. I just want to point out that when Hitler came into power the cavalry was a very important part of the army and it consisted of 18 cavalry regiments, and Hitler recalled all 18 regiments and permitted only one to continue. Therefore, the army had no need for any aid by the Rider Corps or aid to any riders.

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COLONEL NEAVE: I should like to say for the benefit of the Prosecution that the only affidavit which referred to the question of the use of horses in war as distinguished from armored divisions has already been struck out by my order, the number of the affidavit being No. 10.

(The Commission adjourned until 1400 hours)

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AFTERNOON SESSION

(The Commission reconvened at 1400 hours, 8 July 1946)

AFFIDAVITS - Resumed.

COLONEL NEAVE: Are you ready to go ahead.

MR. MARRECO: It would be a great assistance to the prosecution if you could let us have a list of the hearings - the proposed hearings on the affidavits.

COLONEL NEAVE: Well, there is a ~~limited~~ list of all the organizations, which I take it can be had. Do you mean you want a list of the affidavits that ~~have been~~ are to be submitted, something like that?

MR. MARRECO: Yes, sir.

COLONEL NEAVE: You have seen that (Indicating a list).

MR. MARRECO: I have seen that, yes, and it has twenty-five affidavits for this morning. It would be of assistance to us if we knew how long it is to take to hear those affidavits; on what mornings and on what afternoons should be heard each organization.

CONONEL NEAVE: I believe we probably will go all this week, and if we hear about fifty affidavits a day, I think that is the maximum we can expect to do.

MR. MARRECO: Yes.

COLONEL NEAVE: We shall just follow the ~~course~~ list that way, and I would like to say that probably some organizations might put in six or seven, and maybe some not so many, and that the practice of making it up will be similar ~~as with~~ to the witnesses. We have to get through as quickly as possible. ~~Do you~~ I do not, for instance, ~~wish~~ expect to have the defense counsel to submit all their affidavits this week, as it may be some may take next week

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and probably go on a little bit longer. Will you explain that situation to the prosecution, and as far as possible I will to try to inform them when any particular organizations ~~have to have submission of the same~~ are being dealt with.

MR. MARRECO: Yes.

COLONEL NEAVE: Now we shall go ahead with No. 25. Is that correct?

DR. LOEFFLER: This is a new paragraph which states that the NS Rider Corps was not in agreement with the NSDAP,and that it did give some opposition to it.

SA Rider Corps No. 25. Karl Tidten, Essen, High grade free mason. Among the members of the NS Rider Corps they formed themselves in opposition to what is called the "Reitergeist," or riding idea, which did not agree with the goals of the NSDAP.

COLONEL NEAVE: Referring to the "Reitergeist," could we get a different translation of that, "the riding spirit or idea."

DR. LOEFFLER: Idea is all right, the spirit or idea. It speaks of an organization spirit, or group spirit.

MR NEAVE: Just a minute -- go ahead.

[redacted]

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DR. LOEFFLER: SA and NS Rider Corps No. 26. Emil Segatz, Olpe, Westfalen. Riding teacher, two years. The best German rider Junker. It was only possible in the NS Rider Corps that Segatz as Reitersturmfuehrer protected Jews,and aided prisoners of war to escape. Segatz refused to become a personal riding teacher of the chief of staff of the SA, Lutze; for that reason he was made rider but not a good National Socialist. I want to add one further thing. He was punished because due to the fact he refused to become a personal riding teacher to Lutze, with the punishment that he was forbidden

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to wear the uniform of the SA for one year.

COLONEL NEAVE: This is purely an individual case,and is irrelevant, so strike it out.

DR. LOEFFLER: May I add something to that.

COLONEL NEAVE: Well, it is a personal story, is it not,and your summary produces a purely personal summary of this individual. I have read this affidavit,and I am not going to argue about, it is irrelevant in my opinion.

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DR. LOEFFLER: The next document,SA and NS Rider Corps No. 27. The name is Georg Roth, Essen, and a well known anti-fascist,and as a member of the NS Riding Corps had a very retarded feeling against the NSDAP, and even opposed them in some cases,so that it was possible for Roth to say to an acquaintance of his concerning the NS Rider Corps,"If Adolph Hitler has to depend on this organization then he can lose his files."

COLONEL NEAVE: This is also a pretty well individual story.

DR. LOEFFLER: It is a judgment by a person that is known as anti-Fascist, and concerns the entire NS Rider Corps,and in which it is stated that Hitler could not depend upon the NS Rider Corps.

CONONEL NEAVE: What is the relevancy of Mr Roth having said that? He merely said that to some of his friends.

DR. LOEFFLER: But at the time the National Socialist still was at its peak here, and that was a general opinion of a man that was in opposition to the Party.

COLONEL NEAVE: The Prosecutor has something to say on this. It is the statement of an individual.

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MR. MARRECO: I quite agree with your statement, sir. I think it is a personal story.

COLONEL NEAVE: The fact that one member of the organization says that to his friends is of no relevancy at all to defense of the organization as a whole, and I think it is time that we drew attention to the fact that you are appearing on behalf of the SA as an attorney in which the Rider Corps is shown, and I say it should be stricken out. Strike it out for the same reason as previously mentioned.

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COLONEL NEAVE: No. 28.

DR. LOEFFLER: SA and NS Rider Corps No. 28. Friedrich Westermayer, Augsburg. Priest from Heiligkreuz. Father Westermayer, when his son had to enter a NS organization, preferred to send his son to the NS Rider Corps rather than to Hitler's Youth organization, because he knew that there was no political activity, and that there was no hatred against other thinking people. I want to object to this, and I would like to have you to try to have the Tribunal rule on this presentment, since, otherwise, I can not make any more, or bring in any more evidence whatsoever. According to the paragraphs alleged, I am obliged to present evidence of a general character, that the NS Rider Corps was known generally as not being an organization that was fully regarded as a National Socialistic organization. In this case, for instance, it is quite a typical case, where a father would rather send his son to the Rider Corps than to Hitler's Youth, because he knows that there was no political activity. I, therefore, do have to object to the ~~work~~ decision of the Commission.

COLONEL NEAVE: Well, my answer to that is that the rules for

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hearing evidence before the Commissioners ~~is~~ one perfectly clear, and this is a case which concerns why a particular individual joined to an organization for a particular reason. I refer you to the order of March 13th, paragraph 6 (c), or the rules on hearings before the ~~Tribunal,~~ Commission 16 May, paragraph 9.

DR. LOEFFLER: I would like to ask the Commission how may I present evidence, supposedly, before this Commission since all of these matters are just personal opinions.

COLONEL NEAVE: You Don't say now after several months of working on this job, that I have not you discover the distinction between personal evidence and evidence on behalf of the organization ~~is the same.~~ Evidence as to whether a particular individual joined the organization either voluntarily, or involuntarily, is not relevant; or whether he was ignorant or not ~~for~~ of criminal purposes or ~~for~~ of criminal activities. but It is perfectly relevant for a qualified person to testify in speaking from the same personal experience to describe the organization as a whole. Now, for instance, No. 29 seems to me to be relevant for that reason, where No. 28 certainly is not.

DR. LOEFFLER: I refer to paragraph 6A, according to which it was important whether or not the members of an organization knew of the criminal, or sponsored the criminal character of an organization , and, here we have a case of a priest who was obliged to send his son to a NS organization, and he chose that his son should be sent to the NS Riders Corps, since he knew perfectly well from their living in Germany for a long number of years that this was not an organization in the purest of National Socialistic group.

COLONEL NEAVE: Well, in looking at it, I really would like to shorten it because these discussions take too long. First of all, this father sent his son to the NS Riding Corps, because personally he, of course, did not think it was a criminal organization, how is that relevant to the question whether

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the organization as a whole is criminal or not? and certainly how ~~was~~ can he ~~assured~~ assume whether the activity of the organization was or was not generally known? This affidavit does not even describe ~~the~~ general knowledge of a certain ~~thing.~~ matter It is a purely an individual incident in every sense of the world, and can not be accepted.

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DR. LOEFFLER: No. 29, Hans Rietli, Stuttgart, Freemason. In the NS Riders Corps was room for political enemies of National Socialism, so, especially those free masons that were being prosecuted by the Party. The horses of the Stuttgart NS Riding Corps were insured in 1937 with the English Insurance Company, Eagle, of London. This would not have happened if the NS Riding Corps would ~~be~~ have considered the war possible.

COLONEL NEAVE: Can you explain what relevancy the insuring of these horses with an English Company has ~~as~~ to the question of aggressive war. The fact that they would have or would not have insured them does not seem to me to be relevant.

DR. LOEFFLER: I am sorry that I am not of the same opinion. The activity of the Stuttgart Riding Corps which at the time was one of the largest in Germany was supervised by the chief of the National Socialistic Riding Corps in all of Germany, and if they could have considered war possible, then this would have been an extremely bad business venture.

COLONEL NEAVE: ~~I am not in a position to~~ I do not understand what is meant. ~~by considering the war possible.~~

MR MARRECO: This policy was taken out in 1937. Of this particular year I am not suggesting that the SA Riding Corps was preparing for war in the year of 1937, particularly.

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DR. LOEFFLER: I want to say that in the trial before the High Tribunal, it was already considered that Hitler prepared his plan of aggressive warfare already in 1937, and that the SA was supposedly connected with it. If I am correctly informed, this insurance policy was taken out for a period of ten years.

MR MARRECO: The aggressive war of defense employed can be chosen by the agressor, and I might submit that an insurance policy was taken out in the year of 1937, but there is no evidence that 1937 was not the year he was going to choose. If this is relevant at all, it is a very bad point.

COLONEL NEAVE: As a matter of fact, to me it is apparent that the accusation does begin before 1937.

MR. MARRECO: The accusation that Germany was planning aggressive war began before 1937. It began in 1933, but this can only be evidence that the defendant was planning but they did not intend to start the war in 1937, and the question of insurance has not been raised before in this trial, and the fact that the Stuttgart Riding Corps was not the only risk written in Eagle London Underwriters. Practically the whole of the German Merchant Navy was carrying insurance in London, but that point has not been taken into account by this defense.

COLONEL NEAVE: Just a minute. I am going to make my decision. I think this affidavit should be referred to the Tribunal, then they may decide what its evidentiary value ~~to~~ may be, ~~but because~~ It is relevant to the point, that the defense counsel is trying to make ~~it appear~~ that the NS Riding Corps was not for that reason aware of plans of aggressive~~ness~~ war, and since ~~there~~ it is relevan~~cy~~e in regard to the order of March 13th, ~~this evidently~~ it will be placed before the Tribunal, ~~and~~ The comments of the prosecution have already

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been recorded in the transcript.

DR. LOEFFLER: Yes.

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DR. LOEFFLER: No. 30, Eugen Wagner, Eselingen. Now we come to the next part of the NS Rider Corps, the political riding of the Party in the SA. SA and NS Riders Corps No. 30 affidavit by Eugen Wagner, Esslingen. Only literature connected with the Riders Corps was distributed in this Rider Corps, such as "St.Georg" or the "Museler Reitlehre;" on the other hand not the "SA Mann" or "Der SA Fuehrer". The articles which appear in these Party political newspapers in general were written out, because it was usual even where any grotesque opposition to the actual activity of the NS Riders Corps. It was usually unclear and untrue propaganda literature. As far as these articles are concerned this is for military importance of the riding training, and these had to be taken as a goal to prove to Adolph Hitler the right to exist of these NS Riding Corps, since Hitler did not want to know anything about these riding corps.

COLONEL NEAVE: Allright, do you have any objection?

MR MARRECO: Now do you know how many units of Rider Corps this affidavit speaks of?

DR. LOEFFLER: Of all.

COLONEL NEAVE: That does appear to be the case.

DR. LOEFFLER: This one might be most important, and I wish you would present it to the Tribunal.

COLONEL NEAVE: Do you want it translated?

DR. LOEFFLER: Yes, I think I would suggest that that part at the end of the document should be introduced to the Tribunal -- or will be trans-

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lated and introduced to the Tribunal. The one I have here is a review over the entire matter.

COLONEL NEAVE: I think that ~~usually~~ you should apply ~~that~~ during the hearing for the translation, and we can then review the matter afterwards.

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DR. LOEFFLER: I now come to the next paragraph in political leadership regarded as mysteries of NS Rider Corps. SA and NS Rider Corps No. 31. Friederich Ohlenschlager, Angermund. The political leadership refuses the acceptance of sixteen members of the NS Rider Corps into the Party, because off purely the activity in the Rider Corps did not make possible an acceptance into the Party; in the political discussion of the Party the Fuehrer of the NS Rider Corps did not participate.

COLONEL NEAVE: You want to comment on that.

MR. MARRECO: The first paragraph of this affidavit seems to speak for only sixteen people. The second part seems to be relevant.

DR. LOEFFLER: I can send a number of documents just like the first paragraph. However, since I have been rather short, I just presented a typical document.

MR MARRECO: The only thing is it is not clear how Freidrich Ohlenschlager is able to say the leader of the Rider Corps did not participate in any Party conferences. Anybody can make that statement, but they are not to be believed unless they can show that that fact was particularly within their knowledge.

COLONEL NEAVE: I think he was the leader of the Rider Corps, or a leader.

DR. LOEFFLER: The witness was a leader of the Rider Corps in

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Angermund, and has expressed knowledge over all parts of Westphalia, and it was the same thing all over Germany. There were discussions among the Parties, and in this organizations political discussions to none of these discussions the leader of the NS Rider Corps was called in, because the NS Rider Corps was regarded as being an undependable political organization.

COLONEL NEAVE: Wait a minute. I think this has advanced far enough, insofar as we have gone into these sixteen people mentioned in the first sentence. I don't see the relevancy of them at all. Is it merely because they refused to become members of the Party?

DR. LOEFFLER: It is relevant from this point, that Party members are not among the accused, as only members of the SA who are regarded as purely a criminal organization, and this proves that members of the NS Rider Corps were not even considered to be valuable enough to not consider the right to even join the SA Party.

COLONEL NEAVE: It does not prove anything of the sort. It is merely proof that sixteen people were refused ~~in the~~ for joining of the Party. Wait a minute, that is the ~~rule~~ meaning, isn't it?

DR. LOEFFLER: No. I want to say that if I am allowed to produce one-hundred more documents, I will not do that, showing that members of the NS Rider Corps were not allowed to join the Party just because they were members of the NSRider Corps, but since I am limited to one affidavit, that is all I can introduce.

COLONEL NEAVE: You have not got ~~the~~ an affidavit ~~as~~ sworn to by some one who can say what happened in the whole of Germany, or in a large part of Germany.

DR. LOEFFLER: No, I was not able to find out the leaders of the

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NS Rider Corps at this time, as the documents, they are in Berlin, and Berlin is in the Russian zone, and I have not sofar been able to enter the Russian zone.

COLONEL NEAVE: And in the affidavit that you have got, it states that sixteen people were refused to join.?

DR. LOEFFLER: No, this affidavit has to be regarded as in the case of affidavit No. 37, but in this other it is stated the conditions were the same in various parts of Germany. I have the same example for the other, I understand, but I am not allowed to present as accummulative more than one document.

COLONEL NEAVE: I think that as the major part of this affidavit goes to the relevancy as on the other point, we will accept it, unless the prosecution may draw some objection to it.

MR MARRECO: No, sir.

COLONEL NEAVE: Allright. No. 32.

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DR. LOEFFLER: SA and Rider Corps No. 32, Heinrich Holzmaier, Ludwigsburg. The NS Rider Corps was regarded as highly undependable politically in the Party. The reason for this was supposedly their missing political activities. The missing out in the ideological eduction, and the membership of the number of political enemies, of the Logenangehoriger und Auslander in the NS Rider Corps.

COLONEL NEAVE: We had this point before.

DR. LOEFFLER: No, in that affidavit it was not the point of view as in this one. It is the point of the Party it was in a very mistrusting position towards the NS Rider Corps, because of its political unreliability.

COLONEL NEAVE: We have an affidavit to that effect, and I thought some of that sort. I thought you said before that the NS Rider Corps was mistrusted by the Party.

DR. LOEFFLER: In other words, in order to shorten this discus-

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sion on this point, I am ready to withdraw this document from the transcript, and will show it as it was to today.

COLONEL NEAVE: I think it was the ~~only~~ affidavit which I ~~offered~~ ordered to withdraw, to be summarized as in seventeen and eighteen. I think the best thing would be for you to reconsider this affidavit in the light of seventeen and eighteen.

DR LOEFFLER: I agree.

COLONEL NEAVE : That is No. 32, is that the one?

DR. LOEFFLER: Yes.

COLONEL NEAVE: Now No. 33.

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DR. LOEFFLER: Here we have a slight change. It is No. 33, already a part of the new paragraph, and that is new knowledge of the members of the NS Rider Corps, in sponsoring criminal goals and activities of the NS Rider Corps, or the SA according to Paragraph 6A, No. 3, of the decree of 13 March 1946.

COLONEL NEAVE: Yes.

DR. LOEFFLER: SA and NS Rider Corps No. 33. Alfred Krauss, Kerntal. Members of the NS Rider Corps could not apply the Allgemeine SS anti-criminal character so far as the members of the Allgemeine SS participated.

COLONEL NEAVE: You say, SS.

DR LOEFFLER: SA, that these activities were of individuals which were not approved by the SA leadership, and with which attempted to prevent a recurrence of these demonstrations.

COLONEL NEAVE: This is supposed to come under the heading of knowledge of the members, is it not?

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DR.LOEFFLER: Yes. This is an affidavit which covers the point as to whether the members of the NS Rider Corps regarded members of the Allgemeine SA as a criminal organization.

COLONEL NEAVE: I looked through to the end and all it says is and "I have no idea that the SA was a criminal organization." ~~I have looked through the affidavit, and I have no idea that the SA was a criminal organization.~~ The rest of it seems to relate to the activities of the Rider Corps of Stuttgart and Bad Kanstadt.

DR. LOEFFLER: This particular Krauss was commander of the NS Rider Corps in Stuttgart, one of the largest in Germany. He came into contact with members of other rider corps units throughout Germany through meetings and discussions, therefore, he has general knowledge.

COLONEL NEAVE: ~~A~~ general knowledge, yes, and if that is what he is trying to prove ~~that with members already there~~ he SA would say something more specific than ~~that~~ "I didn't know the SA was criminal."

DR. LOEFFLER: He states in here that we, the NS Rider Corps, did not regard the goals of the SA as our goals, and, therefore, it is of judicial importance as to whether it is especially of importance due to the fact that the NS Rider Corps was part of the SA so far as administration was concerned; whether or not the goals were the same, or whether the members regard it themselves to be part of that organization.

COLONEL NEAVE: Yes, I assume it may have been important, but I thought the point was made whether the members knew the character of the organization. I thought you were trying to say that the members of the NS Rider Corps were unaware of the so called criminal character of the SA.

DR LOEFFLER: It is just an error here when he said, "I" a

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couple of times because all during the affidavit is mentioned "we" and in the case he speaks of him as friend that he knew, and that that amounted to several hundred.

COLONEL NEAVE: I am absolutely ~~uncalled~~ uncertain as to what this affidavit is intended to prove, and I shall say that this should be re-summarized, and if it should go under the heading of knowledge, you should be much more clear in stating it, because that point is not clear from the summary.

DR. LOEFFLER: I agree.

COLONEL NEAVE: No. 34.

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DR LOEFFLER: SA and Rider Corps No. 34. Hermann Kniepkamp, Kettwig. International trainer and rider. Through the NS Rider Korps had as guests Jews, half-Jews and foreignors, Britishers, and Belgiums. Therefore no sensible person could come of the opinion or idea that the NS Rider Corps had any sort of criminal goals or plans.

COLONEL NEAVE: The fact that Jews, half-Jews, English and Belgium went into the Rider Korps is ~~not~~ sufficient to prove that any reasonable person, therefore, would not believe that it had criminal aims. Is that correct?

DR. LOEFFLER: Yes.

COLONEL NEAVE: I ~~don't~~ think that ~~remarks will make that~~ you must make that clearer, because that does not mean anything to me at all.

DR. LOEFFLER: I think it is of importance, because I don't think that these persons that are political as such would urge that such organization, if they were regarded as an organization, had criminal goals.

COLONAL NEAVE: How many different parties were in the organization.

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DR LOEFFLER: In all the Rider Corps of all Germany there were foreignors as guests.

COLONEL NEAVE: How does that prove that an organization is not criminal, the fact that foreignors were guests.

DR. LOEFFLER: I don't consider it that way. Two crimes we are accused of, two principal crimes, first, crimes against humanity, which means the murdering of Jews, and secondly, the crimes against peace, that is, aggressive war. I want to say that an organization where Jews are steady guests is not an organization that would go off destroying Jews.

COLONEL NEAVE: ~~Is the~~ My object in asking that question, why ~~the reason~~, because the foreignors in ~~your~~ the organization we were is not criminal, ~~that~~ is what I want it explained to me, as it does not mean anything as it stands there.

DR. LOEFFLER: I pointed out, for instance, in affidavit No. 30, of Eugen Wagner, the "St. Georg" or "Museler Reitlehre" and to furnish the Counsel, the American Vice-counsel, Swiss officers, and Norwegians, and so on, such activity, and therefore, no sensible person could imagine the organization to be a criminal one.

COLONEL NEAVE: Mr Prosecutor, I would like to end this point, the point that Dr Loeffler makes as to the Swiss officers, counsels of Belgium and Norway, at one time were members of this organization, so that it can not then be possibly criminal. It does not make any sense at all.

MR MARRECO: It seems to me a complete non-sequitur, and for that reason I take no objection to it at all.

COLONEL NEAVE: Unless you can summarize this affidavit in a way that makes it of some sense to me it should be withdrawn. I suggest you reconsider this affidavit.

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DR. LOEFFLER: I will change it.

COLONEL NEAVE: I certainly can not accept the submission ~~of it~~ that because a few foreignors were in the organization, therefore, that denotes it was not criminal.

DR. LOEFFLER: I am not going to be concerned whether objectively it was criminal for the organization, or whether the members subjectively could consider, or could imagine the organization to be criminal.

COLONEL NEAVE: Let's have some evidence of that from the members ~~on that subject~~, but the fact there were foreignors in the organization does not prove that.

DR. LOEFFLER: According to the members, if Jews were in the organization, and if foreignors were in the organization, then there was no preparation of aggressive war, at least, sofar as members are concerned.

COLONEL NEAVE: We will reconsider it, and it is to be re-submitted by you, and you are to state more clearly what you mean. No. 35.

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DR. LOEFFLER: SA and NS Rider Corps No. 35, Paula Hautmann, Essen. The NS Rider Corps had neither political nor military goals, but only sport duties. In all activities of the NS Rider Corps, women participated. The opinion or attitude of the NS Rider Corps was anti-Fascist. From these reasons nobody could think that the NS Rider Corps was planning crimes against peace and humanity.

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COLONEL NEAVE: What is the occasion of this ladies' affidavit. She said she wasn't a member of the party.

DR. LOEFFLER: But she actually participated in a large number of activities and did participate and know a large number of persons connected with the organizations and knows the character of the organization.

COLONEL NEAVE: Yes, I have no objection to this.

DR. LOEFFLER: The next point now is between the main defendants of the Nurnberg trials and the NS Rider Corps. That none of the main defendants was ever a member of the NS Rider Corps. It is concerned with parggraph 9, No. I of the Statutes: SA - NS Rider Corps No. 36, Conrad Schwartz, Furth. Basically the NS Rider Corps never had any political influence and of the Rider Corps none is known during the regime of the National Socialism that had a leading political position. None of the main defendants are known to have been a member of the NS Rider Corps.

MR. MARECCO: The answer to that is that the Rider Corps is not indicted as a separate organization but as a separate part of the SA which it became after 1933.

DR. LOEFFLER: Yes, but according to that none of the main criminals has ever been a member, and that is

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a very important point, according to paragraph 9 No. I of the Statute, a fact which we want to point out especially. The statute accuses the organization which were supposed to have been the tools for the main defendants. Therefore, I believe it is relevant and I would like to point out there was no connection between the SS and the Rider Corps. It is only one affidavit.

COLONEL NEAVE: It is relevant except in so far as the Rider Corps is indicted as part of the SS, and we will accept the affidavit on the understanding it is a part of the record except in so far as the Rider Corps is indicted as part of the main organization.

DR. LOEFFLER: However, the Court has ruled that those units even within the organization can prove or are allowed to prove that they have nothing to do with the main defendants.

COLONEL NEAVE: Where has the Court said that?

DR. LOEFFLER: In the discussions concerning the organizations on the 28th of February, the High Judge actually stated that himself before the Tribunal.

COLONEL NEAVE: With great respect you say that the Tribunal said so?

DR. LOEFFLER: But in the decree of the 13th of March the Tribunal stated as to whether a corps or organization was connected, and, therefore, I consider

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it relevant or possible to state that none of the high members or high defendants was connected with this organization.

COLONEL NEAVE: I have already given my answer on that, and actually we have discussed this many, many times before, and the Tribunal has already ruled that the SA as a whole has been indicted. I do not believe that we need discuss it any further, and the affidavit is accepted by the Commission with the Reservation I have made.

(A short recess is taken)

COLONEL NEAVE: I should like first of all before we continue, ~~I should like~~ to make a few comments on the number of affidavits you are submitting. I have already stated and it has already been ruled by the Tribunal that the ~~Reichstag~~ Reiter Korps ~~Reichstag~~ is not being defended independently of the SA. Although you are preparing the case yourself on ~~the~~ behalf ~~part~~ of the ~~Reichstag~~ Reiter Korps?? you are in fact working as an assistant to the principal defense counsel of the SA. I ~~refer~~ spoke to Mr. ~~Byrnes~~ Boehm and he told me that ~~for~~ the ~~total~~ Whole SA have ~~been offered~~ are offering as many affidavits as you are offering for the ~~Reichstag, and~~ Reiter Korps I in consequence I ask you to seriously re-consider the number of affidavits you wish to submit and whether it is really of any advantage to bring such a large number before the Tribunal.

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DR. LOEFFLER: AS I have stated already I think it is only necessary to submit to the Tribunal ten documents and Dr. Rammler (Boehm) and I agree on that.

COLONEL NEAVE: Yes, but all of these affidavits are being submitted to the Court.

DR. LOEFFLER: I thought and I was told that I was to present to the Commission a large number of documents and from those the Commission would choose the ones to present to the Tribunal. I believe that is correct.

COLONEL NEAVE: That is not actually what was said in the rules. It is perfectly true that the Commission can rule on the relevancy of these affidavits and present to the Tribunal either a summary of all (or) the fully translated evidence (affidavit), but in all cases the original affidavits, if accepted, are a part of the record before (of) the Tribunal.

DR. LOEFFLER: I am considering this thing as being very successful since the Court in reading the transcript has a very good picture, and that this picture can be in detail by the ten documents that are presented in their entirety before the Tribunal.

COLONEL NEAVE: And I am only asking you to consider the number of affidavits submitted in connection with an organization which is only a subsidiary branch of the main one.

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DR. LOEFFLER: Yes, but this subsidiary group had 200,000 members and was one of the larger groups and subsidiary organization, and since I only had two witnesses I was told I could present affidavits.

COLONEL NEAVE: You must prepare to have quite a number of these refused on the ground that they are cumulative. Let's go on. What did we do with No. 36, we accepted that, didn't we?

DR. LOEFFLER: Yes.

COLONEL NEAVE: Now we are coming on to a different category of affidavits, aren't we?

DR. LOEFFLER: The next category of affidavits has a purely local character, and they are only to certify that the statements which were presented until now are correct for all of Germany.

COLONEL NEAVE: When you say they are correct for all of Germany, do you speak for all of Germany or just the individual parts?

DR. LOEFFLER: I do not have a witness that can make a statement for all of Germany. Therefore, I have to have a number of witnesses who can make statements concerning his own province.

COLONEL NEAVE: You haven't provided ~~yourself~~ us with a written summary of these affidavits yet? What sort of points are they going to make?

DR. LOEFFLER: The persons ~~xxix~~ certify as to

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each and every point which was brought out in the affidavits 1 to 36, but for their own particular province.

COLONEL NEAVE: You mean exactly that what is said in Nos. 1 to 36, is only with respect to his own province?

DR. LOEFFLER: Yes, that is correct, but only 1 to 36 was the way it was in all of Germany.

COLONEL NEAVE: And you are going to tell the Commission that the contents of affidavits No. 37 to 67 are entirely the same as those we have already heard.

DR. LOEFFLER: Yes.

COLONEL NEAVE: Mr. Marecoo, would you take your copies away and have them examined by someone who speaks German. In view of the fact that they repeat previously what has been said I do not see any point in having Dr. Loeffler put them in the record at all, and if you have any comments to make on them they can be brought up later, but I don't see any point in ~~pertaining~~ burdening the transcript with all of these points if they have already been made. We can simply record that they are representative of conditions in these districts in Germany and are submitted by Dr. Loeffler for the ~~particular provinces~~ confirmation of what has been said in the previous ones.

MR. MARECOO: Yes.

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MR. MORECCO: Our translation division just now is too pressed to handle that but we could discuss it with Dr. Brown. That would be the only means of our considering

COLONEL NEAVE: It seems to me that there isn't much point in burdening the transcript in this way. I think that the best way to do it is to take Dr. Loeffler's word that no new points are being brought up. But the commissioners themselves will examine these affidavits and if no new points are being brought up and there is nothing further to discuss, they will read into the transcript at a future date the list of representative witnesses that occurs here. We have already heard affidavits from 34 or 36 witnesses. The majority of the evidence has been relevant and in those circumstances I think the plan I suggest would be the most convenient. Dr. Loeffler, the commissioners will give you their opinion on these affidavits towards the end of the week and if the Prosecution have any comments I would like to hear those.

MR. MORECCO: On Dr. Loeffler's assurance that they do not contain any new points I don't see that it is necessary for the Prosecution to take away these documents.

COLONEL NEAVE: I agree. We have a few affidavits that require to be summarized again and a few that want further discussion and we will get at that again during the course of the week.

DR. LOEFFLER: I want to point out one further very important point and that is that I have so far been unable to obtain any sort of documents from the Russian Zone as so far my travel to the Russian zone has not been permitted. Therefore I would like to withhold all rights concerning them.

COLONEL NEAVE: I think that applies to all the defense counsel doesn't it?

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DR. LOEFFLER: Yes.

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COLONEL NEAVE: You might tell me the numbers of the affidavits that you want translated. You have asked for only three or four to be translated.

DR. LOEFFLER: No. 1, No. 7, No. 9, No. 13, No. 21, No. 24, No. 29, No. 30 and No. 34. Those are the 9 that I would like to present to the Tribunal.

COLONEL NEAVE: Well you can't have 34 translated because it has been withdrawn. You see the Commissioner objected to No. 34.

DR. LOEFFLER: I believe that the Commissioner asked me to change the summary.

COLONEL NEAVE: Yes, but they certainly cannot accept it in its present form.

DR. LOEFFLER: In that case I would suggest No. 32 in its place.

COLONEL NEAVE: I don't say that you can never have No. 34 but you can't have it in the present form in which it has been summarized.

DR. LOEFFLER: I prefer No. 32 in any case.

COLONEL NEAVE: We will strike out No. 34 and take No. 32. Now let us make sure we have these figures right. According to my list No. 8 has been withdrawn for re-summarization; No. 10 has been struck out; No. 17 is withdrawn to be re-summarized; No. 18 is withdrawn to be re-summarized; No. 19 has not yet been presented; No. 26 is struck out; No. 27 is struck out; No. 28 is struck out; No. 33 is being withdrawn, isn't it?

DR. LOEFFLER: Yes, for a new summary.

COLONEL NEAVE: The rest, then, have been accepted and will be put before the Tribunal and an announcement will be made regarding Nos. 37 to 67. We will have further hearings of those which are to be re-summarized.

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in a few days time.

DR. LOEFFLER: These too will be discussed here?

COLONEL NEAVE: Yes. Dr. Merkel, will you be ready tomorrow morning?

DR. MERKEL: They will be in no way finished completely. I have selected so far only 25 from various areas. Is it necessary that all are presented at one time?

COLONEL NEAVE: No, of course not.

DR. MERKEL: I would also like to know whether it will be necessary to present such a list as my colleague has done.

COLONEL NEAVE: It is easier when the commissioner speaks German but it doesn't make any difference, if he doesn't. In general, if it is possible to provide a list with the summaries it also helps the interpreter. This procedure has worked quite successfully today in that way, thanks to the assistance that Dr. Loeffler has rendered us in providing a summarized list, so it would help if you could do that. We found it far better, as Dr. Loeffler has done, to summarize and discuss the affidavits according to points raised either in the order of March 13 or by the Prosecution. I would like to point out that we are prepared to continue here on these affidavits for some time, I do not know exactly for how long. The point is that these affidavits are supplementary to the final report of the Commissioners on the evidence of witnesses so that we are not obliged to finish by any particular time. The length of time that we will get will depend on how soon the Tribunal wants a report on these affidavits. But in the meantime the summaries and the translated affidavits will continue to be circulated.

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I should, however, like to start with the Gestapo and the SD, if possible, tomorrow.

DR. MERKEL: I can start out with 25 sworn affidavits tomorrow morning.

COLONEL NEAVE: And can the SD be ready tomorrow?

DR. Gawlik: With part.

COLONEL NEAVE: That is all for today.

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(The Commission adjourned ~~at 1000 hours~~ until 9 July 1946 at 1000 hours.)

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Mabel A. Lesser
Reporter (pp. 1 - 17 + 56-59)

Rosen Cook
Reporter (pp. 18-33 + 50-55)

Gallagher
Reporter (pp. 34-49)

CERTIFIED TO:

Amsneave
Commissioner
Lt Col.

H1060-0061

OFFICIAL TRANSCRIPT OF EXAMINATION OF AFFIDAVITS ON BEHALF OF ACCUSED ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNALPURSUANT TO ORDER OF THE TRIBUNAL DATED 5 JULY 1946.

8 July 1946.

COMMISSIONER:

Colonel A.M.S. Neave.

(The Commission convened at 10[illegible] hours).

(A discussion was held from 1010 to 1030 between the Commissioner, the Prosecution, and members of the Defense Counsel, as to procedure to be followed).

BY THE COMMISSIONER:

Q Dr. Loeffler, how many affidavits do you have?

A 67.

Q We had a discussion just now, from which, unfortunately, you were absent. I suggested that it would be much more convenient for the Commission and for everybody else if these affidavits were summarized according to the points on which you wish to make your defense of the SA.

A That has been done.

Q Not according to groups, you know that?

A No, just according to the themes, the special points of the Prosecution

Q Are you intending to summarize your affidavits individually or in groups?

A I have already summarized these affidavits.

Q Yes, but have you summarized them individually or have you summarized them in groups?

A I did it individually with every affidavit I just pointed out the most important part of the affidavit.

Q So that in practice you are going to read out the summaries of 67 affidavits, is that right?

A The way they are summarized is as follows: Affidavits No. 1 to No.36 concern themselves with the individual points of the prosecution, that is, one affidavit for every point; and Affidavits No. 37 to 67 certify that the conditions in all parts of Germany were the same as they are given in No. 1 to No.36.

H1060-0062

Q So that each of the first 36 affidavits is on an individual point as made by the Prosecution which you are refuting?

A For instance on the one big point of the participation inthe actions of November 1938 I have only one affidavit, No.33. However in later affidavits it is stated that there was no participation anywhere in the original parts of Germany.

Q Have you any affidavits you wish to offer which you want to have translated?

A About 10. From the others an excerpt is sufficient. Up to now it is only in German but it is very easy to understand.

(Dr. Loeffler hands typewritt. summaries to the Commissioner and to the Prosecution).

From the letters you can see that up to now it was impossible for me to visit the Russian Zone according to my request of 19 April 1946.

Q Yes, but this isn't part of the affidavits, is it?

A These letters are numbered and mentioned at the end because up to now I was unable to procure any documents from the Russian Zone.

Q And you wish these submitted to the Tribunal; You want them to take notice of these letters?

A Yes, they are mentioned in my final summary.

Q I see. Well, let us proceed now with the affidavits.

BY DR. LOEFFLER:

Affidavit No. 1 I want to present to the Court in its entirety.

COLONEL NEAVE: Wait a minute until I read it . . . . Surely it is not necessary to read this in its entirety. There willbe plenty of affidavits.

DR. LOEFFLER:A I agree, if it is presented and registered.

COLONEL NEAVE: In the first place there is a perfectly good summary of it which you have just presented to me, so if you will just read out the summary of the Affidavit No. 1.

BY DR. LOEFFLER:

Affidavit No. 1. Creation, Organization and Build up of the NS Rider Cor

Paragraph 6 a 1 of the Decree of the 13th of March 1946.

This is a summary of the affidavit of Dr. Haubrich of Köln, a well known anti-Fascist and at the present time City Councilman of Köln. The date of the

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affidavit is 7 May 1946. It was given before Dr. Cremer.

The Rider Corps was only formed after the rise to power and hardly through equalization of riding organizations which in Western Germany were usually formed by Catholics. The Rider Corps was a part of the Regular-SA. It was regarded by the Party with mistrust. It is in no way to be compared with the SA.

COLONEL NEAVE: We will accept that. What is the next affidavit?

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BY DR. LOEFFLER:

Affidavit No. 2, Creation, Organization and Buildup of the NS Rider Corps.

Paragraph 6 a 1 of the Decree of the 13 March 1946.

Herbert Vogel, Nurnberg.

"The individual SA-Reitersturme did not have anything to do with the local SA but were put together in a so-called Reiterstandarte and many Reiterstandarten in a Reitergruppe. All Reitergruppen formed together the National Socialistic Rider Corps under Litzmann. All official orders came from there. The connection with the Regular SA was only due to the fact that the Chief of the Rider Organization, Litzmann, was under the Chief of Staff of the SA. Litzmann had no influence with Hitler and therefore was not independent. "

May I point out that there was something that was not translated and that is that because Litzmann had influence with Hitler, because of that there was no "complete " independence.

COLONEL NEAVE: Do you want to add then to the summary you have introduce here?

DR. LOEFFLER: It would be correct if the word "Selbstandigkeit" would be changed so that "no complete independence" would be included.

COLONEL NEAVE: Very well, proceed.

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BY DR. LOEFFLER:

Affidavit No. 3, Creation, Organization and Build up of the NS Rider Corps.

Paragraph 6 a 1 of the Decree of 13 March 1946.

Valerian Renz, Augsburg. A political prisoner who was freed by American forces on 15 May 1945.

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"The NS Rider Corps was regarded by the Regular SA as an organization that was not completely dependable in the National Socialistic idea and therefore was regarded as a special unit."

I want to point out that all the important sentences are underlined in red in the affidavits.

COLONEL NEAVE: Was the witness who swore this affidavit in prison on account of his opposition to National Socialism?

DR. LOEFFLER: Yes, he says that in the beginning of his affidavit. He was a member of the Rider Corps.

COLONEL NEAVE: Yes, but how does that prove anything on behalf of the Rider Corps as a whole?

DR. LOEFFLER: That was typical of the opposition of the Rider Corps to the SA or the National Socialistic Organization and there will be more examples of that.

COLONEL NEAVE: What you are trying to prove is that there were quite a number of people in the Rider Corps who were opposed to National Socialism, is that it?

DR. LOEFFLER: Yes, a number of affidavits will prove that later on.

COLONEL NEAVE: All right. Proceed with No.4 then.

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BY DR. LOEFFLER:

Affidavit No. 4, Creation, Organization and Buildup of the NS Rider Corps. Paragraph 6 a 1 of the Decree of 13 March 1946.

Ernest Bühmer, Kettwig/Ruhr (Westfalen).

"The NS Rider Corps was only a member of the SA as far as administration was concerned. The duty was separated sharply from the SA. The NS Rider Corps was no political instrument of the SA Leadership but a purely sport organization much more than the NSKK or the National Socialistic Motor Squad and the NS Flyer Corps which were not indicted."

COLONELNEAVE: Wait one moment while I read the affidavit .... Very well, go on.

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BY DR. LOEFFLER:

Affidavit No.5, Creation, Organization and Buildup of the NS Rider Corps. Ernest Schellberg, Velberg/Rhineland (former)

H1060-0065

"Transfer of the rural Rider Organizations into the NS Rider Corps was carried out under pressure."

COLONEL NEAVE: Dr. Loeffler, will you always say before you start the summaries, as I have already requested, what the title of the affidavit is in relation to the order of March 13. That is to say, under which heading of relevancy it is supposed to come?

DR. LOEFFLER: No. 5 comes under paragraph 6 a figure 1 of the Decree of 13 March 1946, concerning the voluntary membership.

COLONEL NEAVE: That is figure 2, isn't it?

DR. LOEFFLER: Yes, figure 2, I want to apologize.

COLONEL NEAVE: What you intend to show here is that the Rider Sturme was incorporated under pressure, is that right? And that in the spring of 1933 this particular unit received an ultimatum, is that it?

DR. LOEFFLER: Yes.

COLONEL NEAVE: My understanding of this affidavit is correct then, is it?

DR. LOEFFLER: Yes.

COLONEL NEAVE: Go on.

DR. LOEFFLER: I would like to make a request here concerning the formal validity of this affidavit. This affidavit was only given to the notariat on the 14th of May. I therefore wrote back to the Notary Public to have the affidavit sworn to before an officer of the Military Government. I was told by the notary public that due to the fact that the farmers are now in the middle of their harvest that could not be done since they

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would lose one to two days by that. Therefore I would like to have a decision by the Court whether a certification by a notary public is enough or whether it has to be certified by an officer.

COLONEL NEAVE: May I just refer this question to the Prosecution? You will remember that on 9 May an Order was made by the Tribunal that all affidavits should be sworn before an Allied Officer. It has been more or less left to the discretion of the commissioners to make exceptions to that rule in cases where it has been extremely difficult to find an Allied Officer. Unless the Prosecution have any objection I think we can consider this particular affidavit properly sworn.

MR. MARECCO: The prosecution would offer no objection to this particular affidavit. Evidence sworn before a Notary Public has been accepted before in these proceedings.

COLONEL NEAVE: Yes. In this case the Defense Counsel is referring to the Tribunal's order of the 9th of May which particularly applies to affidavits for Organizations.

BY DR. LOEFFLER:

I now come to the next theme, the Goals and Duties of the NS Rider Corps, 6 a figure 1 of the Decree of 13 March 1946.

Affidavit SA Rider Corps #6, Paul Laun, Stuttgart.

"The NS Rider Corps concentrated itself with Rider sport duties which until 1933 were carried out by the riding sport units or riding sport organization. The goal was riding, service on horse, and not politics."

COLONEL NEAVE: What is the difference between this affidavit and No. 4?

DR. LOEFFLER: No. 4 points out especially the administrative separation and also the separation of duty between the Rider Corps and the SA which is not done in Affidavit No. 6.

COLONEL NEAVE: Have the Prosecution any comments on this.

DR. MORECCO: No comments.

COLONEL NEAVE: I think we want to be careful that they do not repeat themselves.

MR. MORECCO: As I understand it, these affidavits are bound to be cumulative.

H1060-0067

DR. LOEFFLER: I attempted, in my selection of the affidavits, to prevent any cumulation. I selected these from hundreds.

COLONEL MEAVE: I think the position in regard to the question of cumulative evidence is this: We do want to give the defense as much opportunity as possible to cover a wide and representative field of evidence but at the same time we must avoid actual repetition.

DR. LOEFFLER: We will regard that.

BY DR. LOEFFLER:

SA Rider Corps Affidavit No. 7. The Goals and Duties of the NS Rider Corps. 6 a 1 of the Decree of 13 March 1946. Fritz Summermann, Horse Breeder, Westfalen.

I would like to present this affidavit in its entirety to the Tribunal due to its importance.

COLONEL MEAVE: Will you first of all read the summary and then the Commission will decide whether it should be put in in its entirety.

BY DR. LOEFFLER:

"Summermann was for 12 years Provincial Director of about 180 rural Ride, Drive and Breeding organizations in Westfalen. The goal of these organizations was the bettering of horse breeding and also the aiding of the industrial importance of the horse material that was available. The organizations were a rural or farm necessity. Also after their equalization there was no change of character and duty in these riding organizations which called themselves now the NS Rider Corps."

I want to declare that there is no cumulation between No. 6 and No. 7.

COLONEL MEAVE: That was just what I was going to ask you.

DR. LOEFFLER: No. 6 concerns itself with the city riding organizations where the riding is a sport, that is, purely sport organizations. No. 7 does not concern itself with sport but with the breeding of horses in the rural areas where the horse is not there purely for sport but actually the means of existence for the farmer.

COLONEL MEAVE: I don't see why the fact that the breeding of horses is considered more important in the case of this affidavit than in the case of No. 6 is sufficient reason for having it entirely translated. I do not understand its importance. What you are trying to say is that the activities

H1060-0068

DR. LOEFFLER: I attempted, in my selection of the affidavits, to prevent any cumulation. I selected these from hundreds.

COLONEL MEAVE: I think the position in regard to the question of cumulative evidence is this: We do want to give the defense as much opportunity as possible to cover a wide and representative field of evidence but at the same time we must avoid actual repetition.

DR. LOEFFLER: We will regard that.

BY DR. LOEFFLER:

SA Rider Corps Affidavit No. 7. The Goals and Duties of the NS Rider Corps. 6 a 1 of the Decree of 13 March 1946. Fritz Summermann, Horse Breeder, Westfalen.

I would like to present this affidavit in its entirety to the Tribunal due to its importance.

COLONEL MEAVE: Will you first of all read the summary and then the Commission will decide whether it should be put in in its entirety.

BY DR. LOEFFLER:

"Summermann was for 12 years Provincial Director of about 180 rural Ride, Drive and Breeding organizations in Westfalen. The goal of these organizations was the bettering of horse breeding and also the aiding of the industrial importance of the horse material that was available. The organizations were a rural or farm necessity. Also after their equalization there was no change of character and duty in those riding organizations which called themselves now the NS Rider Corps."

I want to declare that there is no cumulation between No. 6 and No. 7.

COLONEL MEAVE: That was just what I was going to ask you.

DR. LOEFFLER: No. 6 concerns itself with the city riding organizations where the riding is a sport, that is, purely sport organizations. No. 7 does not concern itself with sport but with the breeding of horses in the rural areas where the horse is not there purely for sport but actually the means of existence for the farmer.

COLONEL MEAVE: I don't see why the fact that the breeding of horses is considered more important in the case of this affidavit than in the case of No. 6 is sufficient reason for having it entirely translated. I do not understand its importance. What you are trying to say is that the activities

H1060-0069

of the SA Rider Corps were harmless because they were engaged either in sport or in breeding or training of horses. I should think this summary says quite enough.

DR. LOEFFLER: If the Court considers it necessary I will not insist on No. 6 since the difference between No. 6 and No. 7 has been described now in the record.

COLONEL NEAVE: I don't think it is necessary to withdraw No. 6. The objection I am making is to the full translation of No. 7

DR. LOEFFER: Mr. Summermann is known the world over. He is one of the world's greatest horse breeders.

COLONEL NEAVE: What has that got to do with it. The point is whether the point you are making is important.

DR. LOEFFLER: I want to say that Mr. Summermann was in charge of 180 riding organizations and that he, as a competent man, can give or tell of the importance of these riding organizations. The Prosecution, in one of the examinations of witnesses, stated that the farmers or people in the agricultural areas did not have to remain in the organizations since they could have carried out riding sports without these organizations. However, we want to prove that they did not join this organization for riding sports but rather because of necessity.

COLONEL NEAVE: Let us not talk about it here any longer. The Commission will accept the summary of this affidavit and will consider whether it should be fully translated or not.

DR. LOEFFLER: I considered this document as being one of the 10 to be introduced to the Tribunal. I believe it should be possible to introduce 10 such affidavits to the Tribunal.

COLONEL NEAVE: The Commission will consider it.

BY DR. LOEFFLER:

We now come to the next group, The Activity of the NS Rider Corps, Paragraph 6a, 1, the Decree of the 13 of March 1946, and this concerns itself with the duties within the Riding Organizations. I have only one affidavit on that point:

SA Rider Corps Affidavit No. 8. Robert Canz, Stuttgart.

H1060-0070

"The duty in the NS Rider Corps concerned itself with sports and breeding questions. Duty in the country was only on Sunday; no duty during the times of sowing or during harvest. The Duty itself consisted of instructions on the taking care of horses, horse breeding, as well as instructions in riding and driving."

MR. MARCCO: If No. 7 is cumulative, surely this is.

COLONEL NEAVE: I was in some doubt as to whether No. 7 was cumulative to No. 4 but this No. 8 seems certainly to say the same as No. 7. The ruling the Commission will make on that point is as follows: If you will withdraw No. 8 as cumulative you could have No. 7 translated because No. 7 seems to cover all the points which you want.

DR. LOEFFLER: I don't think that it is cumulative. No. 8 is the only document that actually tells what was done within these riding organizations, whether they taught shooting there or whether they taught world ideology, and so on. That is the only document.

COLONEL NEAVE: Dr. Loeffler you had better take this back and rewrite the summary if that is what you want to say because you don't say that in your present summary. I can see that this affidavit mightbe important buta new summary should be written and introduced later. Will you take it back?

DR. LOEFFLER: I will do that.

COLONEL NEAVE: I can see that that might be an important affidavit. The difficulty is that your summary of No. 8 says exactly the same as No. 7.

DR. LOEFFLER: I will change that.

BY DR. LOEFFLER:

I now come to the next paragraph, Paragraph D, The Repudiation of the supposedly criminal character of the NS Rider Corps. First come affidavits to the question "No Crimes Against the Peace."

SA Rider Corps Affidavit No. 9 - Franz Bissinger, Wuppertal.

"Franz Bissinger was one of the co-directors of 74 international and national tournaments between 1929 and 1939. He is one of the best informed men of the German Riding Sports. The NS Rider Corps did not participate in preparation of an aggressive war. The Rider Corps on the other hand was in peaceful sports cooperation with all horse loving nations.

H1060-0071

COLONEL NEAVE: Dr. Loeffler, the first part of the summary, to the effect that Mr. Bissinger took part in several international tournaments, that isn't relevant at all.

DR. LOEFFLER: It only is supposed to show that the witness is able to give a general opinion.

COLONEL NEAVE: I don't see what the rest of the summary has got to do with Crimes against Peace either except that you do say that the NS Rider Corps was not preparing for an aggressive war. I should think that it would be much better to summarize the affidavit with regard to that point than with regard to the tournaments and sporting associations with other horse loving nations. For instance what relevancy is there in the fact that Captain Fanshaw and Captain Scott were appearing for Great Britain in the Olympic Games? Haven't you got something better on this question than merely a description of the Olympic Games?

DR. LOEFFLER: I want to point out that the Rider Organization consisted of two groups: First, of the Reich Sports Organization and secondly, which composed 80 per cent of the organization, of farmers. I want to

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show, through five affidavits, that both the Reichs Sport Groups and the farmers were against any kind of a war.

COLONEL NEAVE: All right. We will take this affidavit but I think you should be very much more careful about your summarizing.

DR. LOEFFLER: I want to say that this is one of the affidavits I would like to present to the Tribunal in its entirety since this point, Crimes Against Peace, is the main point of the Prosecution.

COLONEL NEAVE: You mean No. 9. Well, take it back and summarize it to show that the Rider Corps were not preparing for an aggressive war and leave out the details about the tournaments.

DR. LOEFFLER: I was misunderstood. I would like to present this document in its entirety.

COLONEL NEAVE: Well, that is at the discretion of the Commissioners and until they see a further summary no decision will be made as to whether it should be entirely translated. I think the affidavit is important but your summary does not bring up the main point.

DR. LOEFFLER: I admit that. I will change it.

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BY DR. LOEFFLER:

SA Rider Corps Affidavit No. 10 - D) The Repudiation of the supposedly criminal character of the NS Rider Corps. (I.) No Crimes Against the Peace. Hugo Luithardt, Farmer, from Bittenfeld-Wurttemberg.

"Neither I or my comrades could ever imagine that our sports activity could mean endangering of the peace. Wars today were not fought with horses but with armored vehicles. Besides that our government declared time and time again its will for peace. We all believed that our government was speaking the truth. As a simple farmer I could not have had any other opinions."

That concerns Paragraph 6 a 3 c -- whether or not a person could have an idea of the criminal purposes.

COLONEL NEAVE: All right.

MR. MORECCO: Sir, perhaps it is worth putting on record that it is quite untrue to say horses were not extensively used in this war and whether or not a simple farmer knew the intentions of the Rider Corps is irrelevant.

DR. LOEFFLER: I want to say in this case that concerning the importance

H1060-0073

of the horse, there is an entire affidavit, No.13, which we will arrive at shortly. As far as the importance of the horse was concerned I want to state that for instance I know that not a single horse was brought over by America for the invasion.

COLONEL NEAVE: It is quite irrelevant to the proceedings of this Commission for us to discuss whether horses were used during the war or not. On the other hand this particular affidavit does seem to be rather a personal statement and not speaking on behalf of the organizations. I therefore consider that the objection of the Prosecution in that respect is upheld and I direct that the summary and the rest of this discussion be stricken from the record.

DR. LOEFFLER: I would like to say something in that connection.

COLONEL NEAVE: I have made my ruling. It is perfectly clear that it is only a personal declaration.

DR. LOEFFLER: I would like to discuss a basic matter in this connection.

COLONEL NEAVE: Well, there is only one answer and that is that the personal views of somebody with regard to the organization or with regard to matters like whether Germany was going to carry out an aggressive war are not relevant.

DR. LOEFFLER: According to 6a 3c, I am bound to show that the individual members of the organization could not have known of the aggressive intentions and the only way I can do that is by giving the affidavit of a certain individual who speaks for himself and his comrades and this is what I didin No. 10. I could not find another way of doing this. In Affidavits 37 to 67 it is pointed out time and time again that that same opinion was prevalent in all of Germany.

COLONEL NEAVE: In that case this affidavit will not be necessary if there are others to come which prove the same thing. I have made my ruling and I am not discussing it further. Willyou go on with the next affidavit, Dr. Loeffler?

BY DR. LOEFFLER:

SA Rider Corps Affidavit No. 11. D) The repudiation of the supposedly criminal character of the NS Rider Corps. (I.) No Crimes Against the Peace. Emil Dieterle, Stuttgart-Vaihingen.

"99 per cent of the SS Rider Corps when called into the army were not put into horse organizations of the Army."

H1060-0074

The main point of the prosecution is that it was the duty of the NS Rider Organization to train the replacements for the German Cavalry. That is being disproved with this affidavit.

COLONEL NEAVE: Yes. All right.

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SA Rider Corps Affidavit No. 12. D) The repudiation of the supposedly criminal character of the NS Rider Corps. (I.) No Crimes Against the Peace. Egon von Waldenfels, Aalen, Colonel, Retired.

"The old tournament rider was sentenced to death by the Army in 1944 because of the political opposition and therefore it is not in his interest to defend an NS organization but this is what he states. The NS Rider Corps did not develop replacements for the Army."

There is a difference between No. 11 and No. 12. No. 11 takes it from the point of view of the NS Rider Corps while No. 12is the view of the army.

MR. MORECCO: No. 12 seems to take it from a personal point of view, sir, which is immaterial.

COLONEL NEAVE: No. 12 is all right. I have read that. It is not personal in the same sense as the one we have just struck out. This man was in a position to state whether the Rider Corps supplied replacements to the army. Because he appears to be a retired cavalry colonel and he was concerned with the question so I will accept that affidavit. It is quite different from expressing an opinion on the question of whether Germany had aggressive intentions or not which was why we struck out the other one.

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BY DR. LOEFFLER:

SA Rider Corps Affidavit No. 13. D) The repudiation of the supposedly criminal character of the NS Rider Corps. (I.) No Crimes Against the Peace. This is the most important affidavit of then all. Itis the affidavit of Colonel General Guderian, Heinz Wilhelm. General Guderian was, in the important time before the war, highest chief of the High German Cavalry.

"There was no military connection between the German Army and the NS Rider Corps either in a tactical or in a strategical sense because on the order of Hitler since 1935 the cavalry in the German Army was almost completely excluded through motorized units the army could not regard or take into consideration the so-called riding certificates."

H1060-0075

COLONEL NEAVE: The Commission will direct that this affidavit be translated and sent to the Tribunal in its entirety.

(A recess was taken)

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DR.LOEFFLER: I now come to my next point on page 6 of my lists of documents, that there is no propaganda of national socialist idealogy before and after 1933. I want to disaprove the statements that these organizations contained only criminal characters as was described by the Prosecution in February, 1946.

SA Rider Corps No. 14, Albert Burger, Ludwigsburg, that was the NS Rider Corps was created after 1933. No idealogical and political schooling was given. This was for Southern Germany.

COLONEL NEAVE: How many affidavits are there on the same subject?

DR. LOEFFLER: A total of five.

COLONEL NEAVE: Do they all say the same thing?

DR. LOEFFLER: Some of them might be cumulative. However, we have to consider that they are in general of Southwestern Germany.

COLONEL NEAVE: If they are from different parts of Germany we will hear them.

DR. LOEFFLER: If necessary I will recall No. 14. I have No. 15 which is for Southern Germany and says about the same thing.

COLONEL NEAVE: I have no objection to No. 14.

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DR. LOEFFLER: SA Rider Corps No. 15. Ewald Isenbugel, Essen, Konsul for El Salvador, of America. There was no national propaganda in the NS Rider Corps. On the other hand, there was open criticism of the NSDAP and its leaders. (Western Germany)

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The next point is that the NS Rider Corps did not participate in the rise to power of the National Socialists. SA Rider Corps No. 16, Christian Schurr, Pfullingen. No member of the NS Rider Corps belonged to the SA before 1933.

COLONEL NEAVE: For how many people was he speaking and for what size of unit?

DR. LOEFFLER: He speaks for Wurtemburg, and in affidavits No. 37 to 67 I prove that the conditions were the same as in these affidavits all over Germny.

COLONEL NEAVE: you are going to say then there was never any member of the Rider Corps who was a member of the SA prior to 1933, or does that apply only to Wurtemburg?

DR. LOEFFLER: No, I want to say that with insignificant exceptions that no member of the NS Rider Corps organization belonged either to the SA or the Party,

H1060-0077

that is before 1933.

COLONEL NEAVE: All right, go ahead.

DR. KOEFFLER: The next point is no further pressure of the Nationalist Socialistic control after 1933 on the NS Rider Corps.

COLONEL NEAVE: Before you go on, with regard to the subject of No. 16, did you say there are other affidavits coming on this subject?

DR. LOEFFLER: Yes, I can, of course, present them, but I did not bring them along.

COLONEL NEAVE: How many affidavits do you mean to present altogether?

DR. LOEFFLER: I had expected for today a total of 67 altogether.

COLONEL NEAVE: How many have you brought here today?

DR. LOEFFLER: All sixty-seven.

COLONEL NEAVE: How many do you intend to introduce during the whole hearing?

DR. LOEFFLER: Ninety- four.

COLONEL NEAVE: Before the Commission?

DR. LOEFFLER: I only want to present all of these 67.

COLONEL NEAVE: You say you have brought them all here today?

DR. LOEFFLER: It is a misunderstanding. I was asked to bring along all of those that were important for the Commission.

COLONEL NEAVE: Well let's go on. There are 67 here?

DR. LOEFFLER: Yes

COLONEL NEAVE: All I want to know, Dr. Loeffler, is: Are you going to introduce any more affidavits in addition to this 67?

DR. LOEFFLER: If the lawyers are introducing a second group then I would like to do the same thing under the second category. I understand that these affidavits that are not quite as important, those are condensed and put together in one summary. If the other lawyers are doing that I would like to do the same thing. However, up until now we have made a difference of two different categories, category No. 1, affidavits which are important, and of which I am giving a summary now, and category No. 2, which are not quite as important.

COLONEL NEAVE: That is quite enough on the subject and I am willing to discuss the affidavits you wish to present to the Commission and not collective affidavits

DR. LOEFFLER: I only want to present these 67.

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COLONEL NEAVE: Let's go on and hear them.

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DR. LOEFFLER: Lambert Weitz, Essen, SA Rider Corps No. 17, a well known anti Facist. Political point: Jews did not play any role in the NS Rider Corps and there was no participation and political demonstrations and the members wer well known enemies of the Nazi system.

COLONEL NEAVE: Nos. 14, 15 and 16, and several others are exactly the same whereas that is not exactly what you are trying to show.

DR. LOEFFLER: I want to prove by 14, 15 and 16 that the NS Rider Corps did not participate in the securing of the power befor 1933, and that even after 1933, as I proved in documents 17 and 18 they did not.

COLONEL NEAVE: Why do you say this is a summary? All you can say is that political activities did not play a role, which is much too vague. If you want to show what you want to prove, you shoud summarize the affidavits.

DR. LOEFFLER: The objection of the Commission is quite correct. However, I was strongly interested in points of the indictment of the Prosecution, and I answered each charge of the Prosecution with a specific document.

COLONEL NEAVE: I quite understand that, but it is no answer to say that in several affidavits that the SA Rider Corps had no political activity in this ca. You are trying to show that they were not directly under the control of the National Socialist Party after 1933. weren't you?

DR. LOEFFLER: Yes.

COLONEL NEAVE: Couldn't that be more specifically stated in the summary, because otherwise how is the Tribunal going to understand what you mean when you say the Rider Corps had no political activity.

DR. LOEFFLER: I will be glad to. I can combine Nos. 17 and 18.

COLONEL NEAVE: Will you take these and re-summarize them (handing affidavit to defense attorney). Those can be presented later, you see, but it is no use attempting to summarize affidavits which take the same view. The specific point you wish to raise must be stated in the summary, and I think that there is anoth point that the Prosecution are going to comment on these summaries, and they mus be given the specific points which you are trying to prove.

DR. LOEFFLER: The Prosecution presented a very detailed document which deal

H1060-0079

with these points and I am now giving one affidavit in repudiation for each one of the Prosecution points.

COLONEL NEAVE: I quite understand that and, that is exactly what you are going to be allowed to do, but in order to make this transcript as intelligibl as we can, and since the members of the Prosecution can't read the affidavits, it is essential to state the specific points in the summary. That does not mea that you need make the summary any longer. No. 20, I think is next.

DR. LOEFFLER: No. 19.

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COLONEL NEAVE: I don't think we have a copy of No. 19.

DR. LOEFFLER: No. 19 has not arrived yet. I had it already in my hands bu it was not sworn to by an officer. This document is especially important since the person that put out this document, Waldemar von Oppenheim, a world famous judiciary, and also the owner of the very famous Schlenderhan estate, and for that reason the document is very important and I would like to ask that I be allowed to submit it later. He was persecuted by the Gestapo since he was a Je but he states that the NS Rider Corps was never active anti-semitically. I had the document already in my hand and I wish to ask the Commission to reserve th one since I think it is within my right to present this document later on. I had the document. However, it was not certified by an official and I sent it back since there are British Officers living on his estate and ot shoud be rather wasy to have it certified and sent back to me.

COLONEL NEAVE: All right. Why has it not been certified before this time?

DR. KOEFFLER: I just received this a few days ago and I would like to have a decision by the Commission. If I were to send it back I also could not have i with me today.

COLONEL NEAVE: Just let me tell the Prosecution what it consists of: This affidavit was aworn on the 1st of June, and I should like to say that there are quite a number of authorities in the British zone who had not by the 1st of Jun received a copy of the Tribunal's over, but it seems to be properly sworn befor a German notary.

DR. LEOFFLER: It was sworn to before the lower representative of the Arch Bishop of Cologne, Dr. Arno.

H1060-0080

MR MARECCO: If the Commissioner considers it satisfactorily sworn, we will make no objection.

COLONEL NEAVE: We have made an exception to the rule that it should be swor before an Allied officer, provided it can be shown that either the order of the Tribunal had not been communicated to the authority concerned or that an Allie officer could not be found. Will you go on.

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DR. LOEFFLER: Arthur Fuldauer. I have to give the heading now which I subm ted previously. It is no crimes against humanity. Paragraph (A) - No. anti-semitic deanings, and at the top of the page the SA Rider Corps No. 20, Artur Fuldauer, Wiehl/Rheinland, Hollander, Jewish co-founder of the SA Rider Corps in Wiehl. Was a guard in the SA Rider Corps, also Jude vell Geachtet, and was again the National Socialist Party.

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DR. LOEFFLER: SA Rider Corps No. 21, Emil E. Maschmann, Mainz (Kurpfalz) - No participation of the NS Rider Corps on the happenings of the night of the 10t of November, 1938. That is a separate affidavit since the SA Rider Corps has bee accused that they participated in this area in the coup d'etet in these occurrenc on the 9th of November.

COLONEL NEAVE: Will you tell us briefly what the affidavit states?

DR. LOEFFLER: The NS Rider Corps did not participate in the demonstrations of the 9th or 10th of November in the coup d'etet.

COLONEL NEAVE: I can read that from your summary, but I want to know more clearly what this affidavit says. please say briefly.

DR. LOEFFLER: The SA is accused of participating in the action in the coup d'etat by the Prosecution on the 9th and 10th of November, 1938, and since the NS Rider Corps is an organizatin whixh is accused in connection with the SA, I ha to prove specifically that the NS Rider Corps did not participate in these demonstrations.

COLONEL NEAVE: Then you are referring to paragraph No. 3 of the affidavit? What is the rest of the affidavit? the question of the events of the 9th of November is in paragrpah 3. What I want to know is whether that is the only point you are making, regarding the events of November, 1938? What does the rest of the

affidavit say?

DR. LOEFFLER: The document concerns itself with all phases of the indictment. However, the only thing that is relevant on this point is the point No. 3.

COLONEL NEAVE: That is exactly what I want to get on the record.

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DR. LOEFFLER: SA Reider Corps No. 22 - The next two affidavits concern themselves with the position of the NS Reider Corps to the Church. Document No. 22 is Max Schmid, Laupheim, Oberschwaben, and it states that some of the SS Reider Corps there attended church services in the Catholic Church and that the Catholic Priest from Ochsenhausen asked to enter the SA.

COLONEL NEAVE: Dr. Loeffler, are you reading the last paragraph of the first page, beginning the SA Reider Corps? Will you read the first two sentences.

DR. LOEFFLER: (Sentences are read in German)

COLONEL NEAVE: Now the next sentence.

DR. LOEFFLER: The SA Reider Corps here entered into the SA in the entire Oberschwaben area only after the rise to power. And up to now the unpolitical rural Reider Corps organization has not concerned themselves only with sports questions and not political questions.

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COLONEL NEAVE: And then the next sentence too.

DR. LOEFFLER: (Sentence is read in German)

COLONEL NEAVE: I think you have already said that. I think we can strike that out. But that is the only point in this affidavit, is it?

DR. LOEFFLER: Yes.

COLONEL NEAVE: That they held a special religious ceremony?

DR. LEOFFLER: No, he also stated that there were religious Catholics tha joined these Rider Corps organizations and that they were not against the Church.

COL. NEAVE: The rest of the summary is far more important than that a Catholic Parson Shipps from Ochsenhausen asked to join the SA, It is now in the record so we need not trouble further.

DR. LOEFFLER: I wish permission to read one other sentence in this connection from the affidavit. "The attitude of the members of the SA Rider Corps in this thoroughly Catholic Oberschwaben was one expressly for the Churc

COLONEL NEAVE: Where is this in the affidavit?

INTERPRETER: At the bottom of the second page.

COLONEL NEAVE: We have that on the record and I think it is sufficient.

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DR. LOEFFLER: No. 23 -- SA Rider Corps No. 23, Richard Herzog, Velbert, and he states that the NS Rider Corp in Velbert participated as a unit in the Church even though there was opposition from the NSDAP, and I would like to receive permission to read the last sentence of that into the record since it gives the general attitude and a more specific case.

COLONEL NEAVE: Is that the last sentence on the first page?

DR. LOEFFLER: No, in the next paragraph after the red line.

COLONEL NEAVE: That is the one I mean.

DR. LOEFFLER: (Reads as follows): "The local Velbert NS Rider Corps, of which Mr. Frecerich Wilhelm Voss was a member, consisted of the largest part of members of the rural riding organizations which were very loyal to the church and did concern themselves with the old traditions of our community. This Ride

H1060-0083

Corps was not regarded in political circles as a political organization, but rather as an organization which acted in the interest of the farmer."

The next point is the non-participation of the NS Rider Corps in action against the union, foreign workers and prisoners.

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DR. LOEFFLER: Affidavit, SA Rider Corps No. 24, Rudolf Erpf - Coburg -. Erpf was the Meister vum Stuhl der Loge, Johannis zum wiedererbauten Tempel. "The NS Rider Corps never participated in political actions against people of other ideals. Even the members of the Allgemeine SA did not, so far as members of the NS Rider Corps, participate in any way with the concentration camps or with the occupants of union houses or the guarding of prisoners of was."

COLONEL NEAVE: What is thepoint of the last sentence regarding Hitler?

DR. LOEFFLER: The witness, or the person that gave this affidavit can say that his son-in-law talked with Hitler concerning the importance of the cavalry in this war. It was prohibited among officers who were allowed to visit Hitler to mention the cavalry or horses, since Hitler ususally got a fit of anger after that.

COLONEL NEAVE: I don't see the connection between that and the Reiter Corps since this young man appears to be in a cavalry unit of the army.

DR. LOEFFLER: I want to say that we can prove by this document concerning the importance of the course of the war. I want to prove that Hitler was very much against the use of horses during the war, and much more interested in an armored and motorized army.

COL. NEAVE: I don't think that is a point which we need to discuss.

DR. LOEFFLER: I did not mention it especially in the summary.

COL. NEAVE: You are not relying upon it as a point of importance in this affidavit?

DR. LOEFFLER: No, that already was mentioned.

MR. MARRECO: I don't want to delay the proceedings but I think the question of whether the cavalry was or was not a question in the war war a point and I don't want to eliminate it entirely from the record. The point

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DR. LOEFFLER: The witness, or the person that gave this affidavit can say that his son-in-law talked with Hitler concerning the importance of the cavalry in this war. It was prohibited among officers who were allowed to visit Hitler to mention the cavalry or horses, since Hitler ususally got a fit of anger after that.

COLONEL NEAVE: I don't see the connection between that and the Reiter Corps since this young man appears to be in a cavalry unit of the army.

DR. LOEFFLER: I want to say that we can prove by this document concerning the importance of the course of the war. I want to prove that Hitler was very much against the use of horses during the war, and much more interested in an armored and motorized army.

COL. NEAVE: I don't think that is a point which we need to discuss.

DR. LOEFFLER: I did not mention it especially in the summary.

COL. NEAVE: You are not relying upon it as a point of importance in this affidavit?

DR. LOEFFLER: No, that already was mentioned.

MR. MARRECO: I don't want to delay the proceedings but I think the question of whether the cavalry was or was not a question in the war war a point and I don't want to eliminate it entirely from the record. The point

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here is quite beside the point as to whether it was a motorized organization.

COL. NEAVE: Mr. Marreco, I think it is immaterial at this hearing whether or not cavalry as opposed to armor was used to a great extent during the previous war. But whether the SA Rider Corps supplied horses to the army or trained people for the purpose of cavalry activity in the army is, of course, the whole point of this discussion. I don't think it is important to go into a discussion as to the tactical or strategic points of the use of cavalry during the war, but it is exceedingly important to decide whether the NS Rider Corps played any part in cavalry activities in the nature of training or assisting the army.

MR. MARRECO: I was using the word "cavalry" in a technical sense, but the Prosecution will not be able to allow this number of affidavits, stating that horses were not used in the war at all.

COL. NEAVE: You misunderstood the point. Is there any one affidavit which actually says that horses were not used during the war? The other says that horses were not supplied to the army, and that the cavalry training that the Rider Corps had was non military. As far as I can make out the subject, I can't see that these affidavits are trying to prove that cavalry was not used during the war, as there was no doubt about it. Is that your point?

MR. MARRECO: Yes.

COLONEL NEAVE: It is not your position you are going to try to prove that cavalry was not used during the war?

DR. LOEFFLER: No, it seems that I was misunderstood by the Prosecutor. I just want to point out that when Hitler came into power the cavalry was a very important part of thearmy and it consisted of 18 cavalry regiments, and Hitler recalled all 18 regiments and permitted only one to contine. Therefore, the army had no need for any aid by the Rider Corps or aid to any riders.

COLONEL NEAVE: I should like to say for the benefit of the Prosecution that the only affidavit which referred to the question of the use of horses in war as distinguished from armored divisions has already been struck out by my order, the number of the affidavit being No. 10.

(The Commission adjourned until 1400 hours)

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AFTERNOON SESSION

(The Commission reconvened at 1400 hours, 8 July 1946)

AFFIDAVITS - Resumed.

COLONEL NEAVE: Are you ready to go ahead.

MR. MARRECO: It would be a great assistance to the prosecution if you could let us have a list of the hearings - the proposed hearings on the affidavits.

COLONEL NEAVE: Well, there is a list of all the organizations, which I take it can be had. Do you mean you want a list of the affidavits that are to be submitted, something like that?

MR. MARRECO: Yes, sir.

COLONEL NEAVE: You have seen that (indicating a list).

MR. MARRECO: I have seen that, yes, and it has twenty-five affidavits for this morning. It would be of assistance to us if we knew how long it is to take to hear these affidavits; on what mornings and on what afternoons should be heard each organization.

COLONEL NEAVE: I believe we probably will go all this week, and if we hear about fifty affidavits a day, I think that is the maximum we can expect to do.

MR. MARRECO: Yes.

COLONEL NEAVE: We shall just follow the list that way, and I would like to say that probably some organizations might put in sixty or seventy and maybe some not so many, and that the practice of making it up will be similar to the witnesses. We have to get through as quickly as possible. I do not, for instance, expect to have the defense counsel to submit all their affidavits this week, as it may be some may take next week and probably go on a little bit longer. Will you explain that situation to the prosecution, and as far as possible I will try to inform them when any particular organizations are being dealt with.

MR. MARRECO: Yes.

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COLONEL NEAVE: Now we shall go ahead with No. 25. Is that correct?

DR. LOEFFLER: This is a new paragraph which states that the SN Rider Corps was not in agreement with the NSDAP, and that it did give some opposition to it.

SA Rider Corps No. 25. Karl Tidten, Essen, High grade free mason. Among the members of the NS Rider Corps they formed themselves in opposition to what is called the "Reitergeist," or riding idea, which did not agree with the goals of the NSDAP.

COLONEL NEAVE: Referring to the "Reitergeist," could we get a different translation of that, "the riding spirit or idea."

DR. LOEFFLER: Idea is all right, the spirit or idea. It speaks of an organization spirit, or group spirit.

MR. NEAVE: Just a minute -- go ahead.

DR. LOEFFLER: SA and NS Rider Corps No. 26. Emil Sogatz, Olpe, Westfalen. Riding teacher, two years. The best German rider Junker. It was only possible in the NS Rider Corps that Sogatz as Reitersturmfuehrer protected Jews, and aided prisoners of war to escape. Sogatz refused to become a personal riding teacher of the chief of staff of the SA , Lutze; for that reason he was made rider but not a good National Socialist. I want to add one further thing. He was punished because due to the fact he refused to become a personal riding teacher to Lutze, with the punishment that he was forbidden ,to wear the uniform of the SA for one year.

COLONEL NEAVE: This is purely an individual case, and is irrelevant, so strike it out.

DR. LOEFFLER: May I add something to that.

COLONEL NEAVE: Well, it is a personal story, is it not, and your summary produces a purely personal summary of this individual. I have read this affidavit, and I am not going to argue about it, it is irrelevant in my opinion.

DR. LOEFFLER: The next document, SA and NS Rider Corps

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No. 27. The name is Georg Roth, Essen, and a well known anti-fascist, and as a member of the NS Riding Corps had a very retarded feeling against the NSDAP, and even opposed them in some cases, so that it was possible for Roth to say to an acquaintance of his concerning the NS Rider Corps, "If Adolf Hitler has to depend on this organization then he can lose his files."

COLONEL NEAVE : This is also a pretty well individual story.

DR. LOEFFLER: It is a judgment by a person that is known as anti-Fascist, and concerns the entire NS Rider Corps, and in which it is stated that Hitler could not depend upon the NS Rider Corps.

COLONEL NEAVE: What is the relevancy of Mr. Roth having said that? He merely said that to some of his friends.

DR. LOEFFLER: But at the time the National Socialist still was at its peak here, and that was a general opinion of a man that was in opposition to the Party.

COLONEL NEAVE: The Prosecutor has something to say on this. It is the statement of an individual.

MR. MARRECO: I quite agree with your statement, sir. I think it is a personal story.

COLONEL NEAVE: The fact that one member of the organization says that to his friends is of no relevency at all to defense of the organization as a whole, and I think it is time that we drew attention to the fact that you are appearing on behalf of the SA as an attorney in which the Rider Corps is shown, and I say it should be stricken out. Strike it out for the same reason as previously mentioned.

COLONEL NEAVE: No. 28.

DR. LOEFFLER: SA and NS Rider Corps No. 28. Friedrich Westermayer, Augsburg. Priest from Heiligkreuz. Father Westermayer, when his son had to enter a NS organization, preferred to send his son to the NS Rider Corps rather than to Hitler's Youth organization, because he knew that there was no policical

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activity, and that there was no hatred against other thinking people. I want to object to this, and I would like to have you to try to have the Tribunal rule on this presentment, since, otherwise, I cannot make any more, or bring in any more evidence whatsoever. According to the paragraphs alleged, I am obliged to present evidence of a general character, that the NS Rider Corps was known generally as not being an organization that was fully regarded as a National Socialistic organization. In this case, for instance, it is quite a typical case, where a father would rather send his son to the Rider Corps than to Hitler's Youth, because he known that there was no political activity. I, therefore, do have to object to the decision of the Commission

COLONEL MEAVE: Well, my answer to that is that the rules for hearing evidence before the Commissioners are perfectly clear, and this is a case which concerns why a particular individual joined to an organization for a particular reason. I refer you to the order of March 13th, paragraph 6 (c), or the rules on hearings before the Commission, 16 May, paragraph 9.

DR. LOEFFLER: I would like to ask the Commission how may I present evidence, supposedly, before this commission since all of these matters are just personal opinions.

COLONEL MEAVE: You don't say now after several months of working on this job that you have not discovered the distinction between personal evidence and evidence on behalf of the organization? Evidence as to whether a particular individual joined the organization either voluntarily, or involuntarily, is not relevant; or whether he was ignorant or not of criminal purposes or of criminal activities. But it is perfectly relevant for a qualified person to testify in speaking from the same personal experience to describe the organization as a whole. Now, for instance, No. 29 seems to me to be relevant for that reason, where No. 28 certainly is not.

DR. LOEFFLER: I refer to paragraph 6A, according to which it was important whether or not the members of an organization knew of the criminal, or sponsored the criminal character of an

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organization, and, here we have a case of a priest who was obliged to send his son to a NS Organization, and he chose that his son should be sent to the NS Riders Corps, since he knew perfectly well from their living in Germany for a long number of years that this was not an organization in the purest of National Socialistic group.

COLONEL NEAVE: Well, in looking at it, I really would like to shorten it because these discussions take too long. First of all, this father sent his son to the NS Riding Corps because he, personally, did not think it was a criminal organization, how is that relevant to the question whether the organization as a whole is criminal or not? And certainly how can he assume whether the activity of the organization was or was not generally known? This affidavit does not even describe general knowledge of a certain matter. It is a purely individual incident in every sense of the word, and cannot be accepted.

DR. LOEFFLER: No. 29, Hans Rietli, Stuttgart, Freemason. In the NS Riders Corps was room for political enemies of National Socialism, so, especially those free masons that were being prosecuted by the Party. The horses of the Stuttgart NS Riding Corps were insured in 1937 with the English Insurance Company, Eagle, of London. This would not have happened if the NS Riding Corps would have considered the war possible.

COLONEL NEAVE: Can you explain what relevancy the insuring of these horses with an English Company has to the question of aggressive war. The fact that they would have or would not have insured them does not seem to me to be relevant.

DR. LOEFFLER: I am sorry that I am not of the same opinion. The activity of the Stuttgart Riding Corps which at the time was one of the largest in Germany was supervised by the chief of the National Socialistic Riding Corps in all of Germany, and if they could have considered war possible, then this would have been an extremely bad business venture.

COLONEL NEAVE: I do not understand what is meant.

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MR. MARRECO: This policy was taken out in 1937. Of this particular year I am not suggesting that the SA Riding Corps was preparing for war in the year of 1937, particularly.

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DR. LOEFFLER: I want to say that in the trial before the High Tribunal it was already considered that Hitler prepared his plan of aggressive warfare already in 1937, and that the SA was supposedly connected with it.
If I am correctly informed. this insurance policy was taken out for a period of ten years.

MR. MARECCO: The aggressive war of defense employed can be chosen by the agressor, and I might submit that an insurance policy was taken out in the year of 1937, but there is no evidence that 1937 was not the year he was going to choose. I f this is relevant at all, it is a very bad point.

COLONEL NEAVE: As a matter of fact, to me it is apparent that the accusation does begin before 1937.

MR. MARECCO: The accusation that Germany was planning aggressive war began before 1937. It began in 1933, but this can only be evidence that the defendant was planning but they did not intend to start the war in 1937, and the question of insurance has not been raised before in this tral, and the fact that the Stuttgart Riding Corps was not the only risk written in Eagle London Underwriters. Practically the whole of the German Merchant Navy was carrying insurance in London, but that point has not been taken into account by this defense.

COLONEL NEAVE: Just a minute. I am going to make my decision.
I think this affidavit should be referred to the Tribunal, then they may decide what its evidentiary value may be. It is relevant to the point that the defense counsel is trying to make that the NS Riding Corps was not f r that reason aware of plans of aggressive war, and since it is relevant in regard to the order of March 13th, it will be placed before the Tribunal.
The comments of the prosecution have already been recorded in the transcript

DR. LOEFFLER: Yes. ----

DR. LOEFFLER: No. 30, Eugen Wagner, Eselingen. Now we come to the next part of the NS Riders Corps, the political riding of the Party in the SA. SA and NS Riders Corps No. 30 affidavit by Eugen Wagner, Esslingen.
Only literature connected with the Riders Corps was distributed in this Rider Corps, such as "St. Georg" or the "Museler Reitlehre"; on the other hand

not the "SA Mann" or "Der SA Fuehrer". The articles which appear in these Party political newspapers in general were written out, because it was usual even where any grotesque opposition to the actual activity of the NS RIders Crops. It was usually unclear and untrue propaganda literature. As far as these articles are concerned this is for military importance of the riding training and these had to be taken as a goal to prove to Adolf Hitler the right to exist of these NS Riding Corps, since Hitler did not wnat to know anything about these riding corps.

COLONEL NEAVE: Allright, do you have any objection ?

MR. MARECCO: Now do you know how many units of Rider Corps this affidavit speaks of ?

DR. LOEFFLER: Of all.

COLONEL NEAVE: That does appear to be the case.

DR. LOEFFLER: This one might be most important, and I wish you would present it to the Tribunal.

COLONEL NEAVE: Do you want it translated ?

DR. LOEFFLER: Yes, I think I would suggest that that part at the end of the document should be introduced to the Tribunal -- or will be translated and introduced to the Tribunal. The one I have here is a review over the entire matter.

COLONEL NEAVE: I think that you should apply during the hearing for the translation, and we can then review the matter afterwards.

DR. LOEFFLER: I now come to the next paragraph in political leadership regarded as mysteries of NS Rider Corps No. 31 Friederich Ohlenschlager, Angermund. The political leadership refuses the acceptance of sixteen members of the NS Rider Corps into the Party, because of purely the activity in the Rider Corps did not make possible an acceptance into the Party; in the political discussion of the Party the Fuehrer of the NS Rider Corps did not participate.

COLONEL NEAVE: You want to comment on that.

MR. MARECCO: The first paragraph of this affidavit seems to speak for only sixteen people. The second part seems to be relevant.

DR. LOEFFLER: I can send a number of documents just like the first paragraph. However, since I have been rather short, I just presented a typical document.

MR. MARECCO: The only thing is it is not clear how Friedrich Ohlenschlager is able to say the leader of the Rider Corps did not participate in any Party conferences . Anybody can make that statement, but they are not to be believed unless they can sh w that that fact was particularly within their knowledge.

COLONEL NEAVE: I think he was the leader of the Rider Corps, or a leade

DR. LOEFFLER: The witness was a leader of the Rider Corps in

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Angermund, and has expressed knowledge over all parts of Westphalia, and it was the same thing all over Germany. There were discussions among the Parties, and in this organization political discussions to none of these discussions the leader of the NS Rider Corps was called in, because the NS Rider Corps was regarded as being an undependable political organization.

COLONEL NEAVE: Wait a minute. I think this has advanced far enough, in so far as we have gone into these sixteen people mentioned in the first sentence. I don't see the relevancy of them at all. Is it merely because they refused to become members of the Party?

DR. LOEFFLER: It is relevant from this point, that Party members are not among the accused, as only members of the SA who are regarded as purely a criminal organization, and this proves that members of the NS Rider Corps were not even considered to be valuable enough to not consider the right to even join the SA Party.

COLONELNEAVE: It does not prove anything of the sort. It is merely proof that sixteen people were refused for joining of the Party. Wait a minute, that is the meaning, isn't it?

DR. LOEFFLER: No. I want to say that if I am allowed to produce one hundred more documents, I will not do that, showing that members of the NS Rider Corps were not allowed to join the Party just because they were members of the NS Rider Corps, but since I am limited to one affidavit, that is all I can introduce.

COLONEL NEAVE: You have not got an affidavit sworn to by some one who can say what happened in the whole of Germany, or in a large part of Germany?

DR. LOEFFLER: No, I was not able to find out the leaders of the NS Rider Corps at this time, as the documents, they are in Berlin, and Berlin is in the Russian Zone, and I have not so far been able to enter the Russian Zone.

COLONEL NEAVE: And the affidavit that you have got, states that sixteen people were refused to join?

DR. LOEFFLER: No, this affidavit has to be regarded as in the case of affidavit No. 37, but in this other it is stated the conditions were the same in various parts of Germany. I have the same example for the other, I understand, but I am not allowed to present as cumulative more than one document.

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COLONEL NEAVE: I think that as the major part of this affidavit is relevant on the other point, we will accept it, unless the prosecution make some objection to it.

MR. MARRECO: No, sir.

COLONEL NEAVE: All right. No. 32.

DR. LOEFFLER: SA and Rider Corps No.32, Heinrich Holzmaier, Ludwigsburg. The NS Rider Corps was regarded as highly undependable politically in the Party. The reason for this was supposedly their missing political activities. The missing out in the ideological education, and the membership of the number of political enemies, of the Logenangehoriger uhd Auslander in the NS Rider Corps.

COLONEL NEAVE: We had this point before.

DR. LOEFFLER: No, in that affidavit it was not the point of view as in this one. It is the point of the Party it was in a very mistrusting position towards the NS Rider Corps, because of its political unreliability.

COLONEL NEAVE: We have an affidavit to that effect, I thought some of that sort. I thought you said before that the NS Rider Corps was mistrusted by the Party.

DR. LOEFFLER: In other words, in order to shorten this discussion on this point, I am ready to withdraw this document from the transcript, and will show it as it was today.

COLONEL NEAVE: I think it was the affidavit which I ordered you to withdraw, to be resummarized as in seventeen and eighteen. I think the best thing would be for you to reconsider this affidavit in the light of seventeen and eighteen.

DR. LOEFFLER: I agree.

COLONEL NEAVE: That is No. 32, is that the one?

DR. LOEFFLER: Yes.

COLONEL NEAVE: Now No.33.

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DR. LOEFFLER: Here we have a slight change. It is No. 33, already a part of the new paragraph, and that is new knowledge of the members of the NS Rider Corps, in sponsoring criminal goals and activities of the NS Rider Corps, or the SA according to Paragraph 6a, No.3, of the decree of 13 March 1946.

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COLONEL NEAVE: Yes.

DR. LOEFFLER: SA and NS Rider Corps No. 33. Alfred Krauss, Kerntal. Members of the NS Rider Corps could not apply the Allgemeine SS anti-criminal character so far as the members of the Allgemeine SS participated.

COLONEL NEAVE: You say, SS.

DR. LOEFFLER: SA, that these activities were of individuals which were not approved by the SA leadership, and with which attempted to prevent a recurrence of these demonstrations.

COLONEL NEAVE: This is supposed to come under the heading of knowledge of the members, is it not?

DR. LOEFFLER: Yes. This is an affidavit which covers the point as to whether the members of the NS Rider Corps regarded members of the Allgemeine SA as a criminal organization.

COLONEL NEAVE: I looked through to the end and allit says is "I have no idea that the SA was a criminal organization." The rest of it seems to relate to the activities of the Rider Corps of Stuttgart and Bad Kanstadt.

DR. LOEFFLER: This particular Krauss was commander of the NS Rider Corps in Stuttgart, one of the largest in Germany. He came into contact with members of other rider corps units throughout Germany through meetings and discussions, therefore, he has general knowledge.

COLONEL NEAVE: General knowledge, yes, if that is what he is trying to prove, he should say something more specific than "I didn't know the SA was criminal."

DR. LOEFFLER: He states in here that we, the NS Rider Corps, did not regard the goals of the SA as our goals, and, therefore, it is of judicial importance as to whether it is especially of importance due to the fact that the NS Rider Corps was part of the SA so far as administration was concerned; whether or not the goals were the same, or whether the members regard it themselves to be part of that organization.

COLONEL NEAVE: Yes, I assume it may have been important, but I thought the point was made whether the members knew the character of the organization. I thought you were trying to say that the members of the NS Rider Corps were unaware of the so-called criminal character of the SA.

DR. LOEFFLER: It is just an error here when he said, "I" acouple of times

H1060-0099

because all during the affidavit is mentioned "we" and in the case he speaks of him as friend that he knew, and that that amounted to several hundred.

COLONEINEAVE: I am absolutely u certain as to what this affidavit is intended to prove, and I shall say that this should be re-summarized, and if it should go under the heading of knowledge, you should bemuch more clear in stating it, because that poimt is not clear from the summary.

DR. LOEFFLER: I agree.

COLONEL NEAVE: No. 34.

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DR. LOEFFLER: SA and Rider Corps No. 34. HermannKniepkamp, Kettwig. International trainer and rider. Through the NS Rider Korps had as guests Jews, half-Jews and foreigners, Britishers and Belgiums. Therefore no sensible person could come of the opinion or idea that the NS Rider Corps had any sort of criminal goals or plans.

COLONEL NEAVE: The fact that Jews, half-Jews, English and Belgian went into the Rider Korps is sufficient to prove that any reasonable person, therefore, would not believe that it had criminal aims. Is that correct?

DR. LOEFFLER: Yes.

COLONEL NEAVE: I think that you must make that clearer, because that does not mean anything to me at all.

DR. LOEFFLER: I think it is of importance, because I don't think that these persons that are political as such wouldurge that such organization, if they were regarded as an organization, had criminal goals.

COLONEL NEAVE: How many different parties were in the organization?

DR. LOEFFLER: In all the Rider Corps of all Germany therewere foreigners as guests.

COLONEL NEAVE: How does that prove that an organization is not criminal, the fact that foreigners were guests?

DR. LOEFFLER: I don't consider it that way. Two crimes we are accused of, two principal crimes, first, crimes against humanity, which means the murdering of Jews, and secondly, the crimes against peace, that is, aggressive war. I want to say that an organization where Jews are steady guests is not an organization that would go off destroying Jews.

H1060-0100

COLONEL NEAVE: My object in asking that question, why because there were foreigners in the organisation it is not criminal, is that I want it explained to me, as it does not mean anything as it stands here.

DR. LOEFFLER: I pointed out, for instance, in affidavit No. 30, of Eugen Wagner, the "St. Georg" or "Museler Reitlehre" and to furnish the Counsel, the American Vice-counsel, Swiss officers, and Norwegians, and so on, such activity, and therefore, no sensible person could imagine the organization to be a criminal one.

COLONEL NEAVE: Mr. Prosecutor, I would like to end this point, the point that Dr. Loeffler makes as to the Swiss officers, counsels of Belgium and Norway, at one time were members of this organization, so that it cannot then be possibly criminal. It does not make any sense at all.

MR. MARRECO: It seems to me a complete non-sequitur, and for that reason I take no objection to it at all.

COLONEL NEAVE: Unless you can summarize this affidavit in a way that makes it of some sense to me it should be withdrawn. I suggest you reconsider this affidavit.

DR. LOEFFLER: I will change it.

COLONEL NEAVE: I certainly cannot accept the submission that, because a few foreigners were in the organization, therefore, that denotes it was not criminal.

DR. LOEFFLER: I am not going to be concerned whether objectively it was criminal for the organization, or whether the members subjectively could consider, or could imagine the organization to be criminal.

COLONEL NEAVE: Let's have some evidence of that from the members, but the fact that there were foreigners in the organization does not prove that.

DR. LOEFFLER: According to the members, if Jews were in the organization and if foreigners were in the organization, then there was no preparation of aggressive war, at least, sofar as members are concerned.

COLONEL NEAVE: We will reconsider it, and it is to be re-submitted by you, and you are to state more clearly what you mean. No. 35.

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DR. LOEFFLER: SA and Rider Corps No. 35, Paula Hautmann, Essen. The NS Rider Corps had neither political or military goals, but only sport duties.

H1060-0101

In all activities of the NS Rider Corps, women participated. The opinion or attitude of the NS Rider Corps was anti-Fascist. From these reasons nobody could think that the NS Rider Corps was planning crimes against peace and humanity.

H1060-0102

In all activities of the NS Rider Corps, women participated. The opinion or attitude of the NS Rider Corps was anti-Fascist. From these reasons nobody could think that the NS Rider Corps was planning crimes against peace and humanity.

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COLONEL NEAVE : What is the occasion of this lady's affidavit? She said she wasn't a member of the party.

DR. LOEFFLER : But she actually participated in a large number of activities and did participate and know a large number of persons connected with the organization and knows the character of the organization.

COLONEL NEAVE : Yes, I have no objection to this.

DR. LOEFFLER : The next point now is between the main defendants of the Nurnbers trials and the NS Rider Corps. That none of the main defendants was ever a member of the NS Rider Corps. It is concerned with paragraph 9, No. 1 of the Statutes : SA - NS Rider Corps No. 36, Conrad Schwartz, Furth. Basically the NS Rider Corps never had any political influence and of the Rider Corps none is known during the regime of the National Socialism that had a leading political position. None of the main defendants are known to have been a member of the NS Rider Corps.

MR. MARECCO : The answer to that is that the Rider Corps is not indicated as a separate organization but as a separate part of the SA which it became after 1933.

DR. LOEFFLER : Yes, but according to that none of the main criminals has ever been a member, and that is a very important point, according to paragraph 9 No. 1 of the Statute, a fact which we want to point out especially. The statute accuses the organisation which were supposed to have been the tools for the main defendants. Therefore, I believe it is relevant and I would like to point out there was no connection between the SA and the Rider Corps. It is only the affidavit.

COLONEL NEAVE : It is relevant except in so far as the Rider Corps is indicated as part of the SA, and we will

H1060-0104

accept the affidavit on the understanding it is in the record that the Rider Corps is indicated as part of the main organization.

DR. LOEFFLER : However, the Court has ruled that those units even within the organization can prove or are allowed to prove that they have nothing to do with the main defendants.

COLONEL NEAVE : Where has the Court said that?

DR. LOEFFLER : In the duscussions concerning the organizations on the 28th of February, the High Judge Jackson actually stated that himself before the Tribunal.

COLONEL NEAVE : With great respect you say that the Tribunal said so?

DR. LOEFFLER : But in the decree of the 13th of March the Tribunal stated as to whether a corps or organization was connected, and, therefore, I consider it relevant or possible to state that none of the high members of high defendants was connected with this organization.

COLONEL NEAVE : I have already given my answer on that, and actually we have discussed this many, many times before, and the Tribunal has already rules that the SA as a whole has been indicated. I do jot believe that we need discuss it any further, and the affidavit is accepted by the Commission with the Reservation I have made.

(A short recess is taken)

COLONEL NEAVE : I should like first of all before we continue to make a few comments on the number of affidavits you are submitting. I have already stated and it has already been rules by the Tribunal that the Reiter Korps is not being defended independently of the SA. Although you are preparing the case yourself on behalf of the Reiter Korps you are in fact

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working as an assistant to the principal defense counsel of the S.. I spoke to Mr. Boehm and he told me that the whole S. are offering as many affidavits as you are offering for the Reiter Korps. In consequence I ask you to seriously reconsider the number of affidavits you wish to submit and whether it is really of any advantage to bring such a large number before the Tribunal.

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DR. LOEFFLER: As I have stated already I think it is only necessary to submit to the Tribunal ten documents and Dr. Boehm and I agree on that.

COLONEL NEAVE: Yes, but all of these affidavits are being submitted to the Court.

DR. LOEFFLER: I thought and I was told that I was to present to the Commission a large number of documents and from those the Commission would choose the ones to present to the Tribunal. I believe that is correct.

COLONEL NEAVE: That is not actually what was said in the rules. It is perfectly true that the Commission can rule on the relevancy of these affidavits and present to the Tribunal either a summary or the fully translated affidavit, but in all cases the original affidavits, if accepted, are a part of the record of the Tribunal.

DR. LOEFFLER: I am considering this thing as being very successful since the Court in reading the transcript has a very good picture, and that this picture can be in detail by the ten documents that are presented in their entirety before the Tribunal.

COLONEL NEAVE: And I am only asking you to consider the number of affidavits submitted in connection with an organization which is only a subsidiary branch of the main one.

DR. LOEFFLER: Yes, but this subsidiary group had 200,000 members and was one of the larger groups and subsidiary organization, and since I only had two witnesses I was told I could present affidavits.

COLONEL NEAVE: You must prepare to have quite a number of these refused on the ground that they are cumulative. Let's go on. What did we do with No. 36, we accepted that,didn't we?

DR. LOEFFLER: Yes.

COLONEL NEAVE: Now we are coming on to a different category of affidavits, aren't we?

DR. LOEFFLER: The next category of affidavits has a purely local character, and they are only to certify that the statements which were presented until now are correct for all of Germany.

COLONEL NEAVE: When yousay they are correct for all of Germany, do you speak for all of Germany or just the individual parts?

DR. LOEFFLER: I do not have a witness that can make a statement for all of Germany. Therefore, I have to have a number of witnesses who can make

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statements concerning his own province.

COLONEL NEAVE: You Haven't provided us with a written summary of these affidavits yet? What sort of points are they going to make?

DR. LOEFFLER: The persons certify as to each and every point which was brought out in the affidavits 1 to 36, but for their own particular province.

COLONEL NEAVE: You mean exactly that what is said in Nos. 1 to 36, is only with respect to his own province?

DR. LOEFFLER: Yes, that is correct, but only 1 to 36 was the way it was in all of Germany.

COLONEL NEAVE: And you are going to tell the Commission that the contents of affidavits No. 37 to 67 are entirely the same as those we have already heard.

DR. LOEFFLER: Yes.

COLONEL NEAVE: Mr. Marecco, would you take your copies away and have them examined by someone who speaks German. In view of the fact that they repeat previously what has been said I do not see any point in having Dr. Loeffler put them in the record at all, and if you have any comments to make on them they can be brought up later, but I don't see any point in burdening the transcript with all of these points if they have already been made. We can simply record that they are representative of conditions in these districts in Germany and are submitted by Dr. Loeffler for the continuation of what has been said in the previous ones.

MR. MARECCO: Yes.

MR. MARECCO: Our translation division just now is too pressed to handle that but we could discuss it with Dr. Brown. That would be the only means of our considering it.

COLONEL NEAVE: It seems to me that there isn't much point in burdening the transcript in this way. I think that the best way to do it is to take Dr. Loeffler's word that no new points are being brought up. But the commissioners themselves will examine these affidavits and if no new points are being brought up and there is nothing further to discuss, they will read into the transcript at a future date the list of representative witnesses that occurs here. We have already heard affidavits from 34 or 36 witnesses. The majority of evidence has been relevant and in those circumstances I think the plan I suggest would be the most convenient. Dr. Loeffler, the commissioners

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will give you their opinion on these affidavits towards the end of the week and if the Prosecution have any comments I would like to hear those.

MR. MORECCO: On Dr. Loeffler's assurance that they do not contain any new points I don't see that it is necessary for the Prosecution to take away those documents.

COLONEL NEAVE: I agree. We have a few affidavits that require tobe summarized again and a few that want further discussion and we will get at that again during the course of the week.

DR. LOEFFLER: I want to point out one further very important point and that is that I have so far beenunable to obtain any sort of documents from the Russian Zone as so far my travel to the Russian zone has not been permitted. Therefore I would like to withhold all rights concerning them.

COLONEL NEAVE: I think that applies to all the defense counsel doesn't it?

DR. LOEFFLER: Yes.

COLONEL NEAVE: You might tell me the numbers of the affidavits that you want translated. You have asked foronly three or four to be translated.

DR. LOEFFLER: No. 1, No. 7, No. 9, No. 13, No. 21, No. 24, No. 29, No. 30 and No. 34. Those are the 9 that I would like to present to the Tribunal.

COLONEL NEAVE: Well you can't have 34 translated because it has been withdrawn. You see the Commissioner objected to No. 34.

DR. LOEFFLER: I believe that the Cpmmissioner asked me to change the summary.

COLONEL NEAVE: Yes, but they certainly cannot accept it in its present form.

DR. LOEFFLER: In that case I would suggest No. 32 in its place.

COLONEL NEAVE: I don't say that you can never have No. 34 but you can't have it in the present form in which it has been summarized.

DR. LOEFFLER: I prefer No. 32 in any case.

COLONEL NEAVE: We will strike out No. 34 and take No. 32. Nowlet us make sure we have these figures right. According to my list No. 8 has been withdrawn for re-summarization; No. 10 has been struck out; No. 17 is withdrawn to be re-summarized; No. 18 is withdrawnto be re-summarized; No. 19 has not yet been presented; No. 26 is struck out; No. 27 is struck out; No. 28 is struck out; No. 33 is being withdrawn, isn't it?

DR. LOEFFLER: Yes, for a new summary.

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COLONEL NEAVE: The rest, then, have been accepted and will be put before the Tribunal and an announcement will be made regarding Nos. 37 to 67. We will have further hearings of those which are to be re-summarized in a few days time.

DR. LOEFFLER: These too will be discussed here?

COLONEL NEAVE: Yes. Dr. Merkel, will you be ready tomorrow morning?

DR. MERKEL: They will be in no way finished completely. I have selected so far only 25 from various areas. Is it necessary that all are presented at one time?

COLONEL NEAVE: No, of course not.

DR. MERKEL: I would also like to know whether it will be necessary to present such a list as my colleague has done.

COLONEL NEAVE: It is easier when the commissioner speaks German but it doesn't make any difference, if he doesn't. In general, if it is possible to provide a list with the summaries it also helps the interpreter. This procedure has worked quite successfully today in that way, thanks to the assistance that Dr. Loefflor has rendered us in providing a summarized list, so it would help if you could do that. We found it far better, as Dr. Loefflor has done, to summarize and discuss the affidavits according to points raised either in the order of March 13 or by the Prosecution. I would like to point out that we are prepared to continue here on these affidavits for some time, I do not know exactly for how long. The point is that these affidavits are supplementary to the final report of the Commissioners on the evidence of witnesses so that we are not obliged to finish by any particular time. The length of time that we will get will depend on how soon the Tribunal wants a report on these affidavits. But in the meantime the summaries and the translated affidavits will continue to be circulated. I should, however, like to start with the Gestapo and the SD, if possible, tomorrow.

DR. MERKEL: I can start out with 25 sworn affidavits tomorrow morning.

COLONEL NEAVE: And can the SD be ready tomorrow?

DR. MERKEL: With part.

COLONEL NEAVE: That is all for today.

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(The Commission adjourned until 9 July 1946 at 1000 hours.)

Mabel A. Lesser
Reporter

Rose M. Cook
Reporter

Charles J. Gallagher
Reporter

CERTIFIED TO:

A.M.S. Neave
Commissioner